



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

THOMAS WATKINS,)	ORDER ADOPTING
Petitioner)	INITIAL DECISION
)	
v.)	
)	BPU DOCKET NO. EC19040459U ¹
PUBLIC SERVICE ELECTRIC AND GAS COMPANY,)	EC19040458U
Respondent.)	OAL DOCKET NO. PUC 12072-19

Parties of Record:

Kevin Watkins, Esq., on behalf of Petitioner
Adrian D. Newall, Esq., on behalf of Respondent, Public Service Electric and Gas Co.

BY THE BOARD:

The within matter is a billing dispute between Thomas Watkins (“Petitioner”), and Public Service Electric and Gas Company (“PSE&G,” “Respondent,” or “Company”). This Order sets forth the background and procedural history of Petitioner’s claims and represents the Final Order in this matter. Having reviewed the record, the Board of Public Utilities (“Board”) now **ADOPTS** the Initial Decision rendered on May 24, 2021, as follows.

PROCEDURAL HISTORY

On April 10, 2019, Petitioner filed a petition with the Board requesting a formal hearing to resolve a billing dispute between him and PSE&G for gas service rendered at Petitioner’s premise in Teaneck NJ (“Property”) between August 4, 2016 to September 21, 2018 the billing period in dispute for PSE&G account number ending 4218. The Company filed an answer to the Petition on August 1, 2019.

On September 3, 2019, the dispute was transferred to the Office of Administrative Law (“OAL”) for a hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -23. This matter was assigned to Administrative Law Judge (“ALJ”) Nanci G. Stokes. On May 5, 2021, the date of the evidentiary hearing, the parties resolved the dispute and entered a

¹ Although the Initial Decision only referenced Docket Number EC19040459U, the underlying settlement encompassed all of the matters in both Docket numbers EC19040458U and EC19040459U.

settlement onto the record. On May 24, 2021 the OAL received a copy of the executed Stipulation of Settlement.

On May 24, 2021, ALJ Stokes issued an Initial Decision concluding that the stipulation of Settlement satisfied the requirements of N.J.A.C. 1:1-19.1, and concluded the matter. The OAL did not receive exceptions to the Initial Decision from either party.

DISCUSSION AND FINDINGS

In customer billing disputes before the Board, a petitioner bears the burden of proof by a preponderance of the competent, credible evidence. See Atkinson v. Parsekian, 37 N.J. 143, 149 (1962). The burden of proof is met if the evidence establishes the reasonable probability of the facts alleged and generates reliable belief that the tended hypothesis, in all human likelihood, is true. See Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div.), certif. denied, 31 N.J. 75 (1959).

In the present instance, the parties reached an agreement pursuant to N.J.A.C. 1:1-19.1. In relevant part N.J.A.C. 1:1-19.1 states:

(a) Where the parties to a case wish to settle the matter, and the transmitting agency is not a party, the judge shall require the parties to disclose the full settlement terms:

1. In writing, by consent order or stipulation signed by all parties or their attorneys; or
2. Orally, by the parties or their representatives.

(b) Under (a) above, if the judge determines from the written order/stipulation or from the parties' testimony under oath that the settlement is voluntary, consistent with the law and fully dispositive of all issues in controversy, the judge shall issue an initial decision incorporating the full terms and approving the settlement.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, PSE&G agreed to apply a credit of \$4,275.74. The credit was applied to the April 23, 2021 bill which totaled \$10,725.74. The Petitioner agreed to pay \$6,000.00 before May 20, 2021. PSE&G will credit Mr. Watkins's account once the \$6,000.00 payment is made. This will leave a zero balance. Mr. Watkins agrees and understands that no claims or grievances can be later adjudicated relating to the matters referenced in the Petition. The Stipulation has no effect on any billing disputes from December 2019 on and the parties agreed to engage in discussion to resolve any further disputes. Mr. Watkins agreed to have an ERT meter installed at the premise so actual meter readings can be obtained on a monthly basis. Once the ERT meter is installed, Mr. Watkins will compare the estimated readings taken since December 2019 and compare to the actual read. If any disagreement arises between the parties based on any differential between the actual gas read and the estimated gas bill from December 2019 and thereafter, the parties agree to engage in discussions to the resolve any dispute.

As part of the Stipulation of Settlement the parties agreed to keep the agreement confidential, and not to disclose its existence or term to anyone with the following exceptions:

- (1) legal counsel, for the sole purpose of obtaining legal advice related to this agreement;
- (2) an immediate family member (defined as Petitioner's parent, spouse or child);
- (3) a tenant at or subsequent owner;
- (4) to personnel of the Board or OAL; and
- (5) if the Petitioner is required to disclose this agreement by law.

ALJ Stokes reviewed the record and terms of the Stipulation of Settlement and found: "1. The parties have voluntarily agreed to the settlement as evidenced by the signatures of the parties or their representatives. 2. The settlement fully disposes of all issues in controversy and is consistent with law." See Initial Decision at 2.

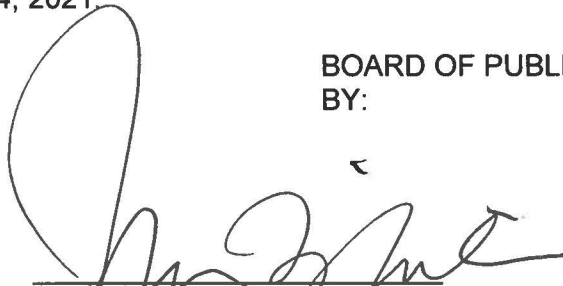
Thus, after careful review and consideration of the entire record, the Board **HEREBY FINDS** the findings and conclusions of law of ALJ Stokes to be reasonable and, accordingly, **HEREBY ACCEPTS** them.

Accordingly, the Board **HEREBY ADOPTS** the Initial Decision in its entirety and **ORDERS** that that the Petition be **DISMISSED**.

This order shall be effective July 24, 2021.

DATED: 7/14/21

BOARD OF PUBLIC UTILITIES
BY:




JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST: 
AIDA CAMACHO-WELCH
SECRETARY

THOMAS WATKINS, PETITIONER

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY, RESPONDENT

**BPU DOCKET NOS. EC19040458U AND EC19040459U
OAL DOCKET NO. PUC 12072-19**

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 12072-19

AGENCY DKT. NO. EC19040459U

THOMAS WATKINS,

Petitioner,

v.

PUBLIC SERVICE ELECTRIC & GAS,

Respondent.

Kevin Watkins, Esq., on behalf of petitioner

Adrian D. Newall, Esq., on behalf of respondent

Record Closed: May 5, 2021

Decided: May 24, 2021

BEFORE **NANCI G. STOKES**, ALJ:

On September 3, 2019, this matter was transmitted to the Office of Administrative Law (OAL) for hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to-15 and N.J.S.A. 52:14F 1 to- 13. A telephone prehearing was conducted on September 5, 2019. Several status conferences were conducted, and the parties agreed on a hearing date of November 10, 2020. The November hearing was adjourned, and additional conferences were conducted. Notably, COVID-19 caused difficulties in client communication and participation. The case was rescheduled for a hearing on May 5, 2021. On that date, the parties resolved the case, and placed a settlement on the record. On May 24, 2021, the

OAL received a Stipulation of Settlement resolving all issues in dispute which is attached hereto for reference.

I have reviewed the record and terms of the Stipulation of Settlement and **FIND**:

1. The parties have voluntarily agreed to the settlement as evidenced by the signatures of the parties or their representatives.
2. The settlement fully disposes of all issues in controversy and is consistent with law.

I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and therefore, it is **ORDERED** that the parties comply with the settlement terms and that these proceedings be and are hereby concluded.

I hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the **BOARD OF PUBLIC UTILITIES**, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

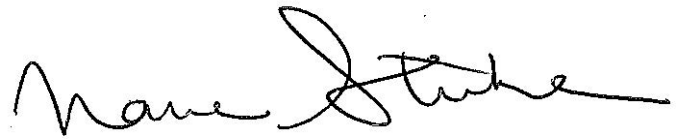
May 24, 2021

DATE

Date Received at Agency:

Date Mailed to Parties:

ljb



NANCI G. STOKES, ALJ

May 24, 2021

May 24, 2021