



STATE OF NEW JERSEY
Board of Public Utilities
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OFFICE OF CABLE TELEVISION
AND TELECOMMUNICATIONS

Beverly A. Williams)	ORDER
Petitioner)	
)	
v.)	
)	
Verizon New Jersey, Inc.)	BPU Docket No. TC14070725
Respondent)	OAL Docket No. PUC 12838-15

Parties of Record:

Christina T. Hathaway, Esq., for Petitioner, Herbert Law Group
Richard C. Fipphen, Esq., on behalf of Respondent, Verizon New Jersey, Inc.

BY THE BOARD:

On July 5, 2014, Beverly Williams ("Ms. Williams" or "Petitioner"), filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a service quality dispute with Verizon New Jersey, Inc. ("Verizon" or "Respondent"), regarding telecommunications landline service rendered by Respondent. Petitioner is a dissatisfied customer seeking immediate telephone service improvement, a reduction in monthly telephone billing charges for the past four years equivalent to the alleged deficient level of service Verizon provides, and improved training for Verizon employees.

On February 10, 2015, Respondent filed an answer, providing a timeline of the trouble reports received by Petitioner, noting that Verizon had provided certain bill credits to Petitioner, and requesting that the petition be dismissed because, among other things, Petitioner failed to state a claim upon which relief could be granted. After the filing of the Respondent's answer, the Board transmitted this matter to the Office of Administrative Law ("OAL") for hearing and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. This matter was assigned to Administrative Law Judge ("ALJ") Caridad F. Rigo.

Evidentiary hearings were held on November 4, 2016 and December 8, 2016.¹

¹ Although the Initial Decision mentions that evidentiary hearings were held on October 30, 2015 and on January 16, 2016, the Board has confirmed that no hearings were held on these dates.

Ms. Williams testified on her own behalf to Verizon landline service quality on three landlines, for which she used cordless bases, one traditional wall hook-up telephone, and a fax machine. Ms. Williams stated she had kept a log of each telephone malfunction or problem. She complained of static noises, echoes, dropped calls, no call waiting service, reverberations in caller voices, and facsimile transmission problems. She offered P-2 through P-6, the certifications of others who had experienced line problems during calls with Petitioner. Ms. Williams states her lines were switched from copper to fiber in February 2012, then switched from fiber to copper in January 2013, then switched from copper to FIOS in April 2016. Ms. Williams stated Verizon technicians responded to her service requests and she followed all recommendations, including the purchase of numerous telephones over the years. But as her landline service problems continued, Ms. Williams filed a petition requesting her telephone bill be reduced to equal the type of service Verizon has provided. Regarding voice mail, Ms. Williams complained that a Verizon manager had failed to provide her with the correct telephone number for setup in 2014 and that this was not addressed until 2016 when access to voice mail message was retrievable at home but not remotely. Petitioner additionally stated she was scheduled for transition from copper to fiber networking when she received multiple text messages informing her of the cancelled appointment due to the April 2016 work stoppage, and her service was interrupted or disconnected and not restored for days. Petitioner mentioned when she spoke with a supervisor after the labor strike ended, her service was restored within the hour.

Dana Venne, Jr., a former field technician and current local technician dispatch manager, testified on behalf of Verizon. Mr. Venne handled multiple telephone service requests of Petitioner over the years and was familiar with the customer's experience during the 18-month fiber period. He stated three lines were tested, but Verizon never found any telephone service problems. Mr. Venne confirmed Petitioner had copper wiring in her house, and static is typical of deteriorating copper wires, thus he recommended switching to fiber wiring where hearing static is impossible. He added that sudden dropped calls were likely due to a defective telephone or a short circuit in the house or a power failure, and an echo could be caused by a bad connection between a cordless telephone and base or a landline call to a cell phone. Mr. Venne stated Verizon is capable of correcting an echo, the result of a bad connection switch between carriers, and reverberation, coming from a switch synchronization issue. However, Mr. Venne stated that all on premises and remote tests showed nothing wrong with Petitioner's lines.

Petitioner and Respondent filed post hearing briefs on February 3 and 2, 2017, respectively. Petitioner cited to Verizon's credo, to deliver superior customer experiences with reliable products and high-quality communications services, questioning the revolving door of service technicians. She recounted the nature and history of each service problem and argued the dispatch of polite service technicians and managers to customer homes was simply inadequate customer service when her landline problems continued. Petitioner summarized the various service problems she had experienced as dropped calls, static, echoes, incomplete calls and voice mailbox issues. Petitioner stated her telephone service had been interrupted due to work stoppage. Petitioner reiterated that Verizon did not confirm that inside wiring was the cause of her service problems, and she stated that the cordless V-Tech phone provided by Verizon did not perform any better than previous equipment purchased by Petitioner. Petitioner conceded regulatory and statutory relief available was limited, but she demanded accountability on Verizon's misrepresentation of deliverable customer service levels seeking any relief deemed just under the circumstances.

Respondent stated Petitioner began complaining of regulated voice service issues in 2011, regardless of whether her service was provided over the copper or fiber-optic network. On voicemail, Verizon stated that voicemail service is excluded from review as it is a non-regulated service beyond the Board's jurisdiction. Verizon argued that Petitioner failed to meet her burden of proof that the quality of voice communications were caused by faults in the Verizon network, affirmatively stating the likely cause was her telephone equipment as Petitioner had described problems on both copper and fiber networks. Verizon reiterated that three remote tests of Petitioner's lines were performed with no issues found; therefore, its technicians did not find issues or faults with the lines and service provided as the inside wire was tested and found to be free of defects. Accordingly, Verizon argued that its evidence established Petitioner's lines had no issues as Petitioner failed to exclude her equipment as a possible cause and no evidence was offered on the type of corded or cordless telephone used during calls to others. Verizon therefore sought petition dismissal.

ALJ Rigo closed the record on February 6, 2017. On August 18, 2017, the Board received ALJ Rigo's four requests for extension of time to issue an initial decision. On August 23, 2017, the Board approved the requests, extending time for ALJ Rigo to issue an initial decision until September 21, 2017.

In the initial decision dated September 20, 2017, ALJ Rigo reviewed whether telephone service provided by Respondent to Petitioner from 2011 to the present was adequate. ALJ Rigo found that the Petitioner had failed to prove by a preponderance of evidence that the telephone issues she experienced were the result of Verizon service. The ALJ found that trained technicians visited the home to determine the cause of the static on the lines, but when Petitioner switched from copper to fiber wiring it became technically impossible for static to be present. The ALJ found as credible Mr. Venne's testimony that inspection of the lines never revealed any problems, concluding that the problems were due to telephone equipment independently purchased and operated by the Petitioner. ALJ Rigo therefore concluded that the Petitioner had failed to show that Verizon telephone services were faulty, dismissing the petition. The ALJ further determined the OAL cannot provide the monetary relief and cannot compel Verizon to train its employees.

Both parties were noticed of the Initial Decision, and exceptions were not filed. Pursuant to N.J.S.A. 52:14B-10(c), an October 20, 2017 order extended time for the Board to render a final agency decision to December 19, 2017.

DISCUSSION AND FINDINGS

Petitioner bears the burden of proof by a preponderance of the competent, credible evidence. Atkinson v. Parsekian, 37 N.J. 143, 149 (1962). Having reviewed the record, the Board accepts the ALJ's findings that Verizon's numerous inspections of the lines did not reveal any problems, that the switch from copper to fiber wiring made static technically impossible, and that credible testimony reflected telephone equipment independently purchased and operated by the Petitioner was problematic. The Board therefore accepts the finding that Petitioner failed to prove by a preponderance of evidence that the telephone issues she experienced were the result of faulty Verizon service.

The Board is authorized with general supervision and regulation of public utilities and their property, property rights, equipment, facilities and franchises to carry out the provisions of Title 48. N.J.S.A. 48:2-13. The Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., however,

does not authorize the Board to award damages to customers against a regulated company for violations of its obligations and the Board is similarly not authorized to award tort damages for frustration or aggravation with public utilities. The scope of administrative remedies is limited, thus the Board cannot provide monetary relief and the Board cannot consider or act upon requests to improve training for public utility employees. To that extent, the Board **FINDS** the ALJ properly determined that monetary damages are not recoverable and training of Verizon employees could not be compelled in the OAL forum.

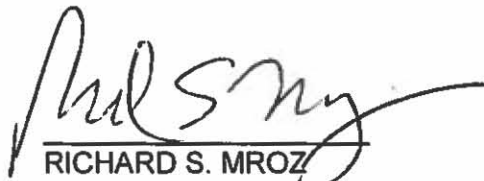
Likewise, Petitioner's complaints regarding voice mail services are outside of the Board's jurisdiction. The Board therefore **FINDS** the ALJ properly excluded voice mailbox issues from review.

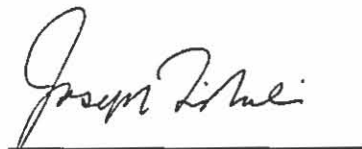
Upon careful review of the Initial Decision and consideration of the entire record, the Board **AFFIRMS** the factual determinations and legal conclusions of ALJ Rigo as reasonable and supported by sufficient, competent, and credible evidentiary proofs. Therefore, the Board **ADOPTS** the Initial Decision in its entirety as if set forth at length herein and **DISMISSES** the petition in its entirety.

The effective date of this Order is December 1, 2017.

DATED: 11/21/17

BOARD OF PUBLIC UTILITIES
BY:

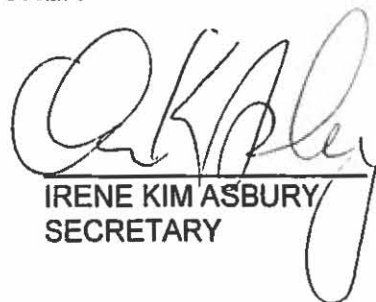

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COMMISSIONER

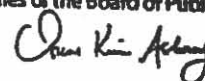

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COMMISSIONER


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SECRETARY

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