Agenda Date: 10/16/13
Agenda Item: 7D

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

FREDERICK ROBINSON, PETITIONER	)	ORDER ADOPTING INITIAL DECISION
v.	)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY, RESPONDENT	)	BPU DOCKET NO. EC13030263U OAL DOCKET NO. PUC 6991-13

Parties of Record:

Frederick Robinson, pro se
Amanda Johnson, Esq., Public Service Electric and Gas Company

BY THE BOARD:

STATEMENT OF THE CASE

On March 26, 2013, Frederick Robinson ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Public Service Electric and Gas Company ("Respondent") for utility services rendered by Respondent.

On May 15, 2013, 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. The matter was assigned to Administrative Law Judge ("ALJ") Linda M. Kassekert.

The matter was scheduled for hearing on July 23, 2013, with notices sent to parties on June 7, 2013. (Initial Decision at 1-2). On or around July 19, 2013, Respondent filed a Motion to Dismiss, so the hearing date was adjourned due to the filing. Id. at 2. The Petitioner also requested to adjourn the July 23, 2013 hearing date due to medical problems. Ibid.

In its Motion to Dismiss, Respondent argued that the Petitioner lacked standing to maintain the action because a search of the records demonstrated that Petitioner's wife, Karen Robinson, was the customer of record for the account. (Respondent's Motion to Dismiss). Oral Argument was scheduled for August 7, 2013, and notices were sent out on July 23, 2013. (Initial Decision at 2). Petitioner failed to appear, but on August 8, 2013, Petitioner informed the ALJ that he did

not appear because he believed his case was going to be dismissed. Ibid. On August 9, 2013, the ALJ sent a letter to parties directing petitioner to present evidence that he was the customer of record on the subject account or to advise whether his wife planned to refile a new action if she was the person on the account. Id. at 2. On August 20, 2013, the ALJ indicates that she received a fax from Mrs. Robinson which stated that she filed a new petition with the Board of Public Utilities ("Board") in her own name. Subsequently, the matter was scheduled for a telephone conference for September 5, 2013 to verify the petition had been refiled in Mrs. Robinson's name. Notices were sent to the parties on August 22, 2013, but neither the Petitioner nor Mrs. Robinson was present for the telephone conference. On September 9, 2013, Mrs. Robinson faxed correspondence to the ALJ explaining that she thought the phone conference was for a different matter and didn't realize it was from the OAL until she opened it, which was after the date of the telephone conference.

On September 13, 2013, the OAL confirmed that Mrs. Robinson had filed a complaint in her name on August 22, 2013. Respondent has also filed an answer in that matter. Accordingly, ALJ Kassekert dismissed the Petition in this matter.

After review of the Initial Decision and the record, the Board **HEREBY FINDS** that Petitioner was not the customer of record, consistent with N.J.A.C. 14:3-1.1 and N.J.A.C. 14:3-7.1(a) and that ALJ Kassekert properly dismissed the Petition in the matter. The proper customer of record has been identified as Petitioner's wife, Mrs. Karen Robinson. She has filed a complaint, and Respondent has filed an answer in that matter. Accordingly, the Board **HEREBY ADOPTS** the Initial Decision in its entirety and **ORDERS** that the Petition of Frederick Robinson be **HEREBY DISMISSED**.

DATED: 10/16/13

BOARD OF PUBLIC UTILITIES
BY:

ROBERT M. HANNA
PRESIDENT

JEANNE M. FOX
COMMISSIONER

JOSEPH L. FIORDALISO
COMMISSIONER

MARY-ANNA HOLDEN
COMMISSIONER

DIANNE SOLOMON
COMMISSIONER

ATTEST:

KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities

Frederick Robinson, Petitioner v. Public Service Electric and Gas Company, Respondent
BPU Docket No. EC13030263U
OAL Docket No. PUC 06991-2013S

Service List

Amanda Johnson, Esq. PSE&G Services Corp. 80 Park Plaza – T5 Newark, New Jersey 07102-4194 Frederick Robinson 46 Gilbert Avenue Deptford, New Jersey 08093 Jennifer S. Hsia, DAG Division of Law 124 Halsey Street Post Office Box 45029 Newark, New Jersey 07102-45029	Eric Hartsfield, Director Division of Customer Assistance Board of Public Utilities 44 South Clinton Avenue, 9th Floor Post Office Box 350 Trenton, New Jersey 08625-0350 Julie Ford-Williams Division of Customer Assistance Board of Public Utilities 44 South Clinton Avenue, 9th Floor Post Office Box 350 Trenton, New Jersey 08625-0350 Valerie Haynes, Chief Office of Case Management Board of Public Utilities 44 South Clinton Avenue, 9th Floor Post Office Box 350 Trenton, New Jersey 08625-0350

fwd 9/17/13

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
DISMISSAL
OAL DKT. NO. PUC 6991-13
AGENCY DKT. NO. EC13030263U

FREDERICK ROBINSON,
Petitioner,
v.
PUBLIC SERVICE ELECTRIC &
GAS COMPANY,
Respondent.

No appearance by or on behalf of petitioner

Amanda Johnson, Esq., appearing for respondent

Record Closed: September 6, 2013 Decided: September 17, 2013

BEFORE **LINDA M. KASSEKERT**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner, Frederick Robinson, filed a complaint before the Board of Public Utilities (BPU) disputing the billing charges of Public Service Electric and Gas (PSE&G) for service provided to his residence at 46 Gilbert Avenue, Westville, New Jersey.

This matter was transmitted by the BPU to the Office of Administrative Law (OAL) as a contested case on May 20, 2013. The matter was scheduled for hearing on July 23, 2013, and

notices sent to the parties on June 7, 2013. This hearing date was adjourned due to the filing of a Motion to Dismiss by respondent, and petitioner's request to adjourn due to medical reasons.

The Motion alleged that because petitioner's name was not the name on the account, the matter should be dismissed. Respondent indicated that because a search of the records showed that petitioner's wife, Karen Robinson, the petitioner lacked standing to maintain the action.

Thereafter, the case was schedule for Oral Argument on August 7, 2013, and notices were sent to the parties on July 23, 2013. Petitioner failed to appear at the scheduled Oral Argument. On August 8, 2013, petitioner filed an explanation for this nonappearance stating that he thought he did not have to appear because he believed that the case was going to be dismissed.

On August 9, 2013, the undersigned sent a letter to the parties directing petitioner to either supply documentation showing that it was his name on the subject account, or in the alternative, to advise whether the action would be refiled under his wife's name if the if she was the person on the account.

On August 20, 2013, the Court received a fax from Mrs. Robinson which stated that she had filed a new petition with the Board of Public Utilities in her own name. She also indicated in this fax that she had asked that her husband Frederick Robinson be added to her petition. Upon receiving this fax, this matter was scheduled for a telephone conference call for September 5, 2013, to verify that the petition had been refiled in Karen Robinson's name. Notices were sent to the parties on August 22, 2013. Neither the petitioner nor Mrs. Robinson made themselves available for this telephone conference.

On September 9, 2013, the Court received a fax from Mrs. Robinson stating that she thought the notice for the telephone conference call was for a different matter and she did not open the document or realize that it was from the Court until she opened it, after the date and time the telephone conference call was to have occurred.

On September 9, 2013, the Court received a fax from Mrs. Robinson stating that she thought the notice for the telephone conference call was for a different matter and she did not open the document or realize that it was from the Court until she opened it, after the date and time the telephone conference call was to have occurred.

On September 13, 2013, the Court confirmed that Mrs. Robinson had filed a complaint in her name on August 22, 2013. The respondent filed an answer on September 3, 2013. The case has not yet been transmitted to the OAL.

It should be noted that at no time were any of the notices sent to Mr. Robinson returned as undeliverable. Additionally, petitioner received notice that he was expected to comply with OAL applicable procedural rules. The rules require the non-appearing party to advise the judge of any difficulty in appearing for a scheduled proceeding. N.J.A.C. 1:1-14.4. Any difficulty expressed before the hearing or the telephone conference call would have resulted in a rescheduling of the hearing and telephone conference call. No such communication was received at any time prior to the scheduled hearing and conference call dates.

While Mrs. Robinson did offer an explanation of why neither she or her husband participated in the telephone conference call, she also indicated that this matter has been refiled in her name. It has been confirmed that the matter has been filed in Mrs. Robinson's name. As such, I **CONCLUDE** that as Mrs. Robinson is the proper party in this proceeding, since it is her name on the account, and since Mrs. Robinson has indicated that this matter has been refiled under her name, that the petition filed by Frederick Robinson should be dismissed.

ORDER

Based on the foregoing, petitioner's matter is **DISMISSED.**

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 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.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **SECRETARY OF THE BOARD OF PUBLIC UTITILITIES,** marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

September 17, 2013 _____ **LINDA M. KASSEKERT**, ALJ
DATE

Date Received at Agency: _____

Date Mailed to Parties: _____

/lam

PUBLIC UTITILITIES, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

September 17, 2013
DATE

LINDA M. KASSEKERT, ALJ

Date Received at Agency:

Date Mailed to Parties:

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