

The Board now considers the Petitioner's Motion. First, the Board notes that the Petitioner misinterpreted the Board's June 16, 2008 Order of Extension, which extended the time in which the Board must render a final decision to August 21, 2008, as the length of time Petitioner had to perfect his previously filed exceptions. Petitioner submitted exceptions to the Board on June 5, 2008, wherein he also requested an additional twenty days, through June 24, 2008, to perfect his exceptions. It is clear from the Board's June 16, 2008 Order of Extension that the Board, and not the Petitioner, was seeking to extend its time in which it is required to render a final decision from July 7, 2008 until August 21, 2008, to allow the Petitioner the additional time he requested to perfect exceptions. Petitioner, however, failed to file any additional exceptions for over two months after the Order of Extension was mailed to the parties. Moreover, the Petitioner's June 5, 2008 exceptions were filed past the thirteen day time limit established in N.J.A.C. 1:1-18.4, and were found to be deficient in the Board's Final Decision. Lastly, an additional eighteen days passed after the issuance of the Board's Final Decision before the Petitioner filed the instant Motion, seeking yet again to obtain additional time to perfect exceptions. While the Board appreciates Petitioner's confusion regarding the length of additional time he was given to perfect or submit additional exceptions, Petitioner has had ample time with which to submit such exceptions.

Petitioner's Motion requests that the Board vacate its Final Decision, and lists several supporting statements. Pursuant to N.J.A.C. 14:1-8.6(a), a motion for reconsideration "shall state...the alleged errors of law or fact relied upon..." Petitioner's Motion presents a series of statements, none of which allege errors of law or facts relied upon. First, the Board notes that Petitioner's Motion contains two additional claims (one slamming claim and one cramming claim) against the Respondent that were not previously raised in the petition or in any amendments to the pleadings. Petitioner could have freely sought, pursuant to N.J.A.C. 1:1-6.2(a), to amend his pleadings to include these additional claims, but declined to do so. Petitioner provided no factual or legal basis for the addition of the claims to be relied on. Therefore, the Board is not considering these additional claims, as they were not part of the petition or of any of the proofs submitted.

Petitioner's Motion also contends that he was unable to obtain a hearing to show documentary proof of "miscellaneous" charges that he claimed the Respondent was charging. This matter, however, was the subject of a settlement conference and a hearing, at which the Petitioner was given ample opportunity to present any and all proofs to support his claims. Petitioner was unable to substantiate his claims with regard to the \$2.43 in dispute or with regard to his assertion that the bill he disputed in his petition contained miscellaneous charges. In addition, the Board has considered Petitioner's exceptions as well as the present Motion, and the Petitioner continues to be unable to substantiate these claims.

Petitioner's Motion states that his original request to the Board was for an investigation of the practices of Respondent and not the narrow jurisdictional limits placed on him by the OAL. While Petitioner may have desired such an investigation, the Board does not have jurisdiction over consumer fraud issues. Moreover, the Board notes that Petitioner's petition stated that he "relies" on the Utility Consumer Bill of Rights, but he alleges no facts in the petition, at the hearing, or in any of his exceptions, that apply to the provisions he cited, which dealt with the right to have complaints heard quickly and the right to an investigation upon suspicion that the level of consumption reflected in the bill is unexplainably high. Petitioner's last cited statement under the Utility Consumer's Bill of Rights, namely that the telephone company must send bills on a regular basis and the bills must be in a language decipherable by a lay person, is not a right listed in the Utility Consumer's Bill of Rights.

Lastly, Petitioner's Motion evidences a desire for ALJ Viscomi to bolster Petitioner's claims with the inclusion of citations or precedent. While the Petitioner may have appreciated if the Initial Decision bolstered his claims, the Board notes that the Initial Decision of ALJ Viscomi carefully sets forth the facts and the claims of both parties as well as the burden of proof born by the Petitioner. The Initial Decision further sets forth the basis for the OAL's lack of jurisdiction over Petitioner's various consumer fraud claims. Petitioner was not, and is not now, barred from filing a claim against Respondent in the appropriate agency, the Division of Consumer Affairs, with regard to these claims.

Therefore, the Board hereby FINDS the following:

- That Petitioner should not be permitted additional time to perfect his exceptions;
- That Petitioner's cramming claim and slamming claim are outside the purview of the present action, and in any event, they had not been raised during the pendency of the matter;
That the Petitioner was given a full hearing, to which he participated in and presented evidence, but was unable to show documentary proof of Respondent's improper charges; and
- That the conclusions and analysis contained within the Initial Decision were reasonable and supported by the record.

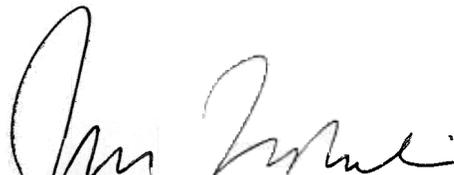
After consideration of the record, the Board hereby DENIES Petitioner's Motion in its entirety and reaffirms the Board's July 30, 2008 Final Decision.

DATED: 10/23/08

BOARD OF PUBLIC UTILITIES
BY:

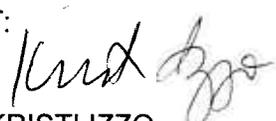

JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

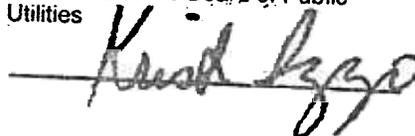

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ATTEST:

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



LOUIS L. ANDERSON

v.

VERIZON NEW JERSEY, INC.

BPU DOCKET NO. TC07060428U

OAL DOCKET NO. PUC 6796-07

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