



Agenda Date: 1/16/08

Agenda Item: 7B

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CUSTOMER ASSISTANCE

CAROL DIXON,
Petitioner,

)

ORDER ADOPTING INITIAL
DECISION

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,
Respondent.

)

BPU DOCKET NO. EC07030158U
OAL DOCKET NO. PUC 3967-07

(SERVICE LIST ATTACHED)

BY THE BOARD:

On March 7, 2007, Carol Dixon (Petitioner) filed a petition with the Board disputing, among other things, the bill of Public Service Electric and Gas Company (Respondent) for electric service. After receipt of Respondent's answer, this matter was transmitted to the Office of Administrative Law for hearing as a contested matter on April 16, 2007. The matter was assigned to Administrative Law Judge (ALJ) Thomas E. Clancy.

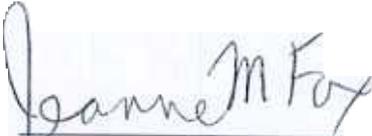
On November 2, 2007, ALJ Clancy issued an Initial Decision that was submitted that day to the Board dismissing all of Petitioner's claims. No exceptions to the Initial Decision have been filed with the Board. A copy of the Initial Decision is attached hereto and made a part hereof.

The procedural history of this matter and the ALJ's legal analysis, findings and conclusions are set forth in sufficient detail in the Initial Decision and need not be restated herein. However, the Board notes that Petitioner identifies herself alternatively as Carol Dixon and Carole Dixon.

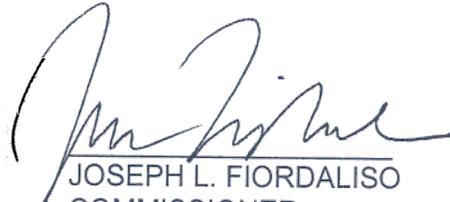
While the Initial Decision identifies Petitioner as Carole Dixon, this Order retains the caption previously used in this matter. After review and consideration of the record, the Board HEREBY FINDS the findings and conclusions of the ALJ to be reasonable and, accordingly, HEREBY ACCEPTS them. Therefore, the Board HEREBY ADOPTS the Initial Decision in its entirety and ORDERS that the petition of Carol Dixon be HEREBY DISMISSED.

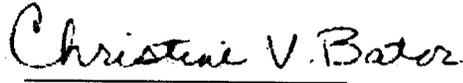
DATED: 1/18/08

BOARD OF PUBLIC UTILITIES
BY:

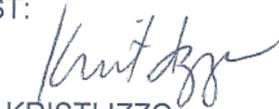

JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

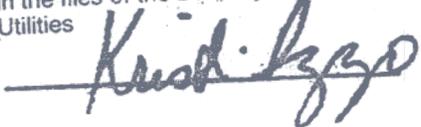

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
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



CAROL DIXON
v.
PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU Docket No. EC07030158U
OAL Docket No. PUC 3967-07

SERVICE LIST

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BBSLOW
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PABKO
~~FORD-WILLIAMS~~ (L)

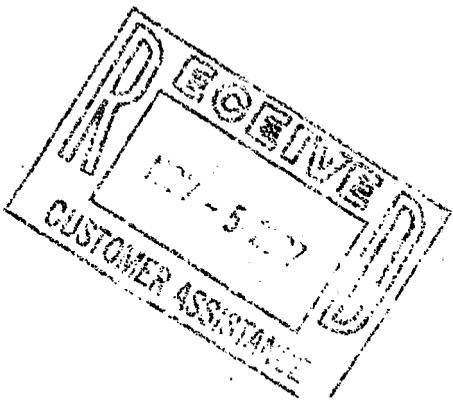


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OFFICE OF ADMINISTRATIVE LAW
STATE OF NEW JERSEY

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
OAL DKT. NO. PUC 3967-07
AGENCY DKT. NO. EC07030158U

CAROLE DIXON,
Petitioner,
v.
PUBLIC SERVICE ELECTRIC & GAS COMPANY,
Respondent.



CAROLE DIXON, petitioner, appeared as a pro se litigant in this matter

SHEREE L. KELLY, Esq., appeared on behalf of the respondent

Record Closed: September 26, 2007

Decided : November 2, 2007

BEFORE: THOMAS E. CLANCY, ALJ:

PROCEDURAL BACKGROUND

On April 23, 2007, this matter was transmitted to the New Jersey Office of Administrative Law (OAL) by the New Jersey Board of Public Utilities (BPU) for resolution as a "billing dispute." To the petitioner, however, this case involves much more than just a billing dispute. Her claims in this regard will be addressed by the undersigned later on in this Initial Decision

On May 30, 2007, the undersigned conducted an unsuccessful settlement conference but GRANTED the petitioner's requests for the issuance of subpoenas for four specific persons. In addition, I ORDERED that respondent supply to Ms. Dixon all bills rendered to her between 1997 and 2004 (see Exhibit CT-1).

Relative to these matters:

The respondent (PSE&G) advised the undersigned on 9/26/07 that its records only went back to 2001, so those records were put into evidence (see Exhibit R-1) and made available to Ms. Dixon. This didn't satisfy her, so PSE&G agreed to send her an Open Public Records Act form so she could get "the commissioner to supply her with the information she needed" (if it exists) - which Ms. Dixon agreed to do. Nevertheless, the undersigned decided not to accept any such documentation for consideration in this case because (as will be seen later in this Initial Decision - See "Hearing Results," subsection (a) the bill in dispute did not involve anything before the year 2001 (see Exhibit R-1); also because petitioner was not fully prepared to present her case on 9/26/07 as required by my letter to her dated 6/13/07 (see Exhibit CT-1).

ii.

In addition, on the day of the hearing, Ms. Dixon advised that the case could not go forward because the Puerto Rican Action Board, the Middlesex County Board of Social Services, Mr. Hollis of the B.P.U., Dr. Chen and the NJ Department of Community Affairs were not present to testify about her non-receipt of a \$100 Home Energy Assistance check in the year 2000. However, the petitioner did not fulfill her responsibility in this regard, i.e. to arrange for the attendance of any potential witnesses on the hearing date. And ... she never requested that OAL issue any subpoenas in this case, except for family members and Dr. Chen (see Exhibit CT-1). Since Ms. Dixon also failed to supply sufficient grounds to reverse my ORDER denying the issuance of a subpoena for Dr. Chen (see Exhibit CT-1), I deemed same to be in full force and effect. In short, no reason existed for the case not to proceed on 9/26/07.

HEARING RESULTS*

(a)

Concerning the "billing dispute," counsel for the respondent provided Exhibit R-1 which demonstrates that as of 2/14/01, the final bill for premises occupied by petitioner at 1201 Stelton Road, Piscataway, N.J. was for a balance due and owing of \$691.54 (see p. 2 of Exhibit R-1); Nevertheless, according to the respondent's attorney, the entire amount

* See attached Exhibit CT-1 for a delineation of the issues in this case.

of the petitioner's indebtedness has been "written off" and she owes nothing at the present time. Accordingly, I **CONCLUDE** there is no contested case for OAL to entertain jurisdiction over and I hereby **DISMISS** petitioner's claim for any relief in this regard.

(b)

Concerning Ms. Dixon's alleged non-receipt of a \$100 Home Energy Assistance Check in the year 2000, petitioner produced not one iota of evidence to substantiate or corroborate her claim or who was responsible for this having occurred. Furthermore, the alleged non-receipt of the HEA check is not something which is within the jurisdictional purview of the N.J. Board of Public Utilities. Accordingly, in the absence of any pertinent evidence whatsoever and for lack of jurisdiction, I hereby dismiss any and all of her claims in this regard.

(c)

Another matter raised by petitioner was with respect to "her [alleged] non-receipt of energy checks and utility checks from DCA due to the intervention of Dr. Larry Chen" Obviously, any involvements between the DCA and private persons concerning energy and utility checks are not overseen by the N.J. Board of Public Utilities. Such matters are likely within the jurisdictional ambit of another state agency or forum but not that of the BPU (and by derivation, the OAL). Hence, I again **DISMISS** her claims in this regard on a jurisdictional basis -- as not being within the authority of the BPU to address by their very nature.

(d)

In addition to the foregoing, the undersigned allowed the petitioner to submit 31 Exhibits from a previous case (OAL Dkt. #PUC 5177-07) into evidence, as well as an additional 47 new Exhibits (P-32 through P-78) for consideration. Ms. Dixon amplified these Exhibits with her testimony, essentially claiming (as she previously did in OAL case bearing Docket #PUC 5177-07): (1) that both of her children were kidnapped in 2001 by

DYFS and the Mob and her daughter has been held for bribery until 9/26/07 (the hearing date in this case) -- although she attended a birthday party for her brother a few weeks ago; (2) that she (Ms. Dixon) is the victim of a conspiracy by the Mob and various governmental agencies, including the Court of Appeals, the FBI, the U.S. Marshal's office and the entire State of New Jersey; (3) that her "account" has been "turned over" by PSE&G and is now in the hands of the Mob; (4) that PSE&G has held her daughter in Plainfield since 2001 and her life is in danger; and (4) that the other claims she asserted in OAL case bearing Dkt. # PUC 5177-01 are reasserted in the context of this case.

With respect to the foregoing, it is plain to see that neither the BPU nor the OAL have any authority to address and/or resolve any of the claims asserted herein or the ones asserted in OAL case bearing Dkt. No. PUC 5177-07.

Accordingly, the undersigned **DISMISSES** all of petitioner's claims with PREJUDICE. In so doing, the under notes (as he did in his Initial Decision for PUC 5177-07) that the U.S. Court of Appeals for the Third Circuit recently described Ms. Dixon's petition for a writ of mandamus in that court as being "barely comprehensible and at times illegible" (see Exhibit P-2), an apt and fitting description for the documentary and testimonial presentations made by Ms. Dixon in this case. I would only add (sadly) that they constituted nothing but rigmarole.

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 UTILITIES, 2 Gateway Center, Newark, NJ 07102**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

Thomas E Clancy

November 2, 2007

DATE

THOMAS E. CLANCY, ALJ/ta

Date Received at Agency:

Mailed to Parties:

DATE

OFFICE OF ADMINISTRATIVE LAW

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