



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**[www.nj.gov/bpu/](http://www.nj.gov/bpu/)**

**CUSTOMER ASSISTANCE**

WILLIAM TAYLOR,	)	ORDER GRANTING PETITIONER'S
	)	REQUEST FOR ADDITIONAL TIME
PETITIONER,	)	TO FILE EXCEPTIONS
v.	)	
	)	
JERSEY CENTRAL POWER & LIGHT COMPANY,	)	
	)	BPU DOCKET NO. EC06020077U
RESPONDENT.	)	OAL DOCKET NO. PUC 6811-07

(SERVICE LIST ATTACHED)

**BY THE BOARD:**

On February 1, 2006, William Taylor (Petitioner) filed a petition with the Board of Public Utilities (Board) claiming that he had been over-billed by Jersey Central Power & Light Company (Respondent), due to Respondent's alleged provision of low-voltage to his residence. On March 13, 2006, Respondent filed a Response generally denying the provision of low-voltage and outlining a history of investigation into Petitioner's claims. Thereafter, the Board transmitted the matter to the Office of Administrative Law (OAL) on August 10, 2007 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) Douglas H. Hurd and a hearing was held on April 11, 2008. ALJ Hurd subsequently filed an Initial Decision with the Board on April 23, 2008, which was mailed to the parties on April 28, 2008. On May 9, 2008, the Board requested that the forty-five day time limit to render a Final Decision be extended from June 9, 2008 until July 24, 2008, which was granted on May 14, 2008. At its June 13, 2008 Agenda Meeting, the Board considered the above matter and, by Order dated June 16, 2008, adopted the Initial Decision. As stated in the June 16, 2008 Order, at the time of the Board's consideration of the Initial Decision, no exceptions had been received.

On July 2, 2008, the Petitioner filed a letter titled "Request for Rescission and Reinstatement" (Request) with the Board, wherein he requested additional time in which to file exceptions, in addition to requesting the Board to rescind its Final Decision of June 16, 2008, and reinstate a hearing. By letter dated July 14, 2008, Respondent filed a response to Petitioner's Request (Response). On July 31, 2008, Petitioner submitted a Notice of Appeal in the Superior Court of

New Jersey, Appellate Division, containing certain deficiencies. On August 13, 2008, Petitioner filed a "Response to Respondent's Objection to Allow Petitioner to Except OAL Decision, Rescind the Board's Decision, and Reinstate the Matter" (August 13, 2008 Letter). On August 18, 2008, Respondent filed a response, requesting that the Board disregard Petitioner's August 13, 2008 letter. On August 19, 2008, the Board authorized a Secretary's Letter notifying the Petitioner that it would continue to consider his Request beyond the sixty days for Board review, pursuant to N.J.A.C. 14:1-8.7(c), until such time as the Board receives notice that Petitioner's Notice of Appeal has been perfected. On August 25, 2008, the Petitioner notified Secretary Izzo that he was withdrawing his Notice of Appeal, as it was premature.

Given that the Petitioner has withdrawn his Notice of Appeal, the Board may and does consider his Request. The Board's regulations do not provide for a "Request for Rescission and Reinstatement." Therefore, Petitioner's Request is being considered by the Board as a Motion for Reconsideration (Motion) under N.J.A.C. 14:1-8.6, which provides that a motion for reconsideration of a proceeding may be filed by any party within fifteen days after the issuance of any final decision. The Board notes that Petitioner's Motion was filed with the Board sixteen days after the issuance of the Final Decision in this matter. Pursuant to the Board's authority under N.J.A.C. 14:1-1.2, the Board has relaxed the fifteen day filing limitation and accepts Petitioner's filing as timely.

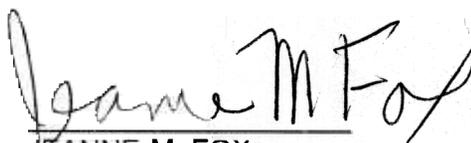
Petitioner contends that he was unable to timely and sufficiently submit exceptions to ALJ Hurd's Initial Decision, due to the unforeseen circumstances of his father's passing in October and mother's passing in February. The memorial service and burial for the Petitioner's mother was held on May 30, 2008, and Petitioner remained in Maine for much of the time through June 13, 2008. Respondent's Response claimed, among other things, that Petitioner's loss and unfortunate family circumstances were not a "case of emergency or other unforeseeable circumstance." (Response, p. 7). Pursuant to N.J.A.C. 1:1-18.8, the time limits for filing exceptions may be extended for good cause. Although it would have prudent for the Petitioner to make a written request to the Board for an extension of time with which to file his exceptions, his mother's passing and subsequent absence from New Jersey at the time of the arrival of the Initial Decision provides good cause as to Petitioner's failure to seek such request. It appears that upon the Petitioner's return to New Jersey, and his receipt of the Board's Final Decision, he promptly filed the present Motion. Thus, while the Board acknowledges Respondent's concerns regarding the length of time of Petitioner's absence, the Board is satisfied that good cause has been shown.

The Board notes that Petitioner's Motion also contends that there was insufficient information to respond to ALJ Hurd's Initial Decision, due to the fact that the Initial Decision did not contain copies of the cited exhibits or a copy of the transcript of the April 11, 2008 hearing. The Motion further contends that the Petitioner believed that he would be entitled to participate at a hearing before the Board, and that the Initial Decision contained inaccurate and insufficient factual information. The Respondent refuted each of these contentions in its July 14, 2008 Response. Because the Board is allowing additional time for the Petitioner to file exceptions, the Board will not at this time reach and consider the efficacy of the contentions raised in the Motion, the Response, and the August 13, 2008 and August 18, 2008 letters and is not, at this time, considering the Petitioner's additional requests to rescind the Final Decision and reinstate his case for hearing. While allowing for the submission of exceptions to the Initial Decision, the Board reserves decision on all remaining aspects of the Petitioner's Motion. The Board will consider these filings, including any filings that are timely submitted as a result of this Order, in totality before rendering a decision on Petitioner's Motion. The Board does note, however, that the Petitioner must request the exhibits and the hearing transcript from the OAL.

The Board HEREBY FINDS that the Petitioner has shown good cause as to his late request for filing exceptions. Therefore, the Board HEREBY ORDERS the Petitioner to submit any and all exceptions, in accordance with N.J.A.C. 1: 1-18.4, within thirteen days of the date of this Order to the Board. The Board further HEREBY ORDERS the Respondent to file any and all replies to Petitioner's exceptions within five days of receipt.

DATED: 10/6/08

BOARD OF PUBLIC UTILITIES  
BY:



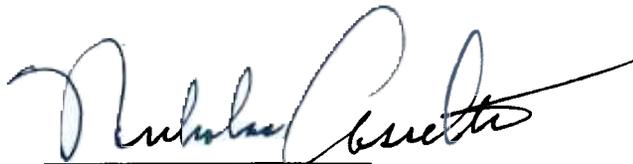
JEANNE M. FOX  
PRESIDENT



FREDERICK F. BUTLER  
COMMISSIONER



JOSEPH L. FIORDALISO  
COMMISSIONER

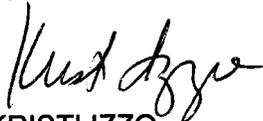


NICHOLAS ASSELTA  
COMMISSIONER



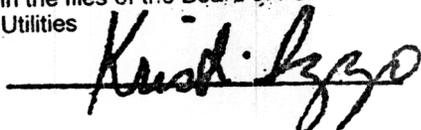
ELIZABETH RANDALL  
COMMISSIONER

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



**WILLIAM TAYLOR**

**v.**

**JERSEY CENTRAL POWER & LIGHT COMPANY**

**BPU Docket No. EC06020077U**

**OAL Docket No. PUC 06811-07S**

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