

On October 3, 2006, the deadline for submittal of the final rebate application for the installation at the Campagna residence passed. On September 27, 2006, Energy Enterprises forwarded a final rebate application for the installation at the Mark Campagna residence to the CORE Administrator seeking a rebate of \$39,474.00. On October 4, 2006, the application was received by the OCE.

On November 29, 2006, the OCE issued a check with a note that the portion applicable to the Campagna rebate was \$29,412.00. The rebate was calculated using the rebate levels in effect on the date the initial approval expired.

Luchansky Residence

On December 12, 2005, the CORE program administrator deemed the application of Energy Enterprises for a rebate for an installation at the residence of Daniel Luchansky complete (#2021). The letter notifying Energy Enterprises that its application was complete stated "This Rebate application will expire in 9 months." On September 12, 2005, the deadline for submittal of the final rebate application passed. On September 13, 2006, the final rebate application for the Daniel Luchansky residence, seeking a rebate of \$53,925.00, was received.

On December 7, 2006, OCE forwarded a check in the amount of \$40,062.50. The rebate amount was calculated using the rebate levels in effect on the date the initial rebate approval expired.

On March 5, 2007, Energy Enterprises submitted an Informal Complaint in Lieu of Petition with regard to the above matters.¹ On March 20, 2008, following discussions with Staff, Energy Enterprises requested that the Board docket the previously filed informal complaint as a formal petition and the matter was docketed. Apparently unaware that this had taken place, Petitioner wrote on August 20, 2008 claiming that no docket had been assigned. Since that time, no further communication has been received.

In light of the fact that Petitioner has not contacted the Board for two years, and after consultation with the Division of Law, Staff recommends that this petition be dismissed, without prejudice, for failure to prosecute.

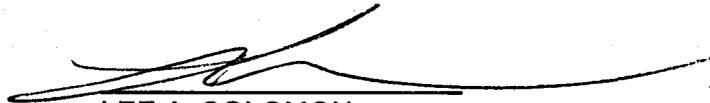
After reviewing the record and Staff's recommendation, the Board **FINDS** that this matter was submitted as an Informal Complaint in Lieu of Petition on March 5, 2007. The Board **FINDS** that the matter was subsequently docketed as a petition on March 20, 2008. The Board **FINDS** that Petitioner submitted a letter stating its belief that the matter had not been docketed in

¹ A third application included in the informal complaint was subsequently approved on April 24, 2008.

August 2008. The Board **FINDS** that Petitioner has not communicated with the Board since that time. The Board **HEREBY CONCLUDES** that this lack of communication, which has now lasted two years, constitutes a failure to prosecute. **NOW, THEREFORE**, the Board dismisses this matter, without prejudice.

DATED: 8/4/10

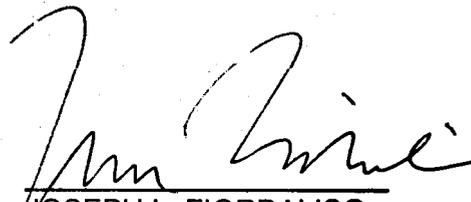
BOARD OF PUBLIC UTILITIES
BY:



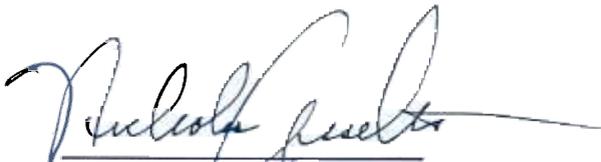
LEE A. SOLOMON
PRESIDENT



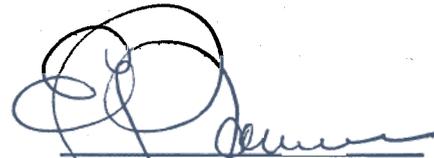
JEANNE M. FOX
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



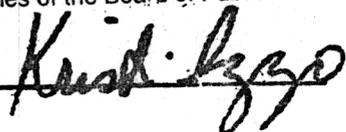
NICHOLAS ASSELTA
COMMISSIONER



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


IN THE MATTER OF ENERGY ENTERPRISES, INC
APPEAL OF DENIAL OF REBATE APPLICATIONS

DOCKET NO. EO7080642

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