

Agenda Date: 5/11/07
Agenda Item: VIIA



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

Customer Assistance

WALTER V. POLOCANIN, PETITIONER,)
v. VERIZON NEW JERSEY, INC.,)
RESPONDENT.)

ORDER ADOPTING
INITIAL DECISION
SETTLEMENT

BPU Docket No. TC06110829U
OAL Docket No. PUC 254-07

(SERVICE LIST ATTACHED)

BY THE BOARD:

On November 28, 2006, Walter V. Polocanin (Petitioner) filed a petition with the Board of Public Utilities (Board) for a hearing in regard to a billing dispute with Verizon New Jersey, Inc. (Respondent). Petitioner claimed that Respondent overbilled him for calls made during the period April through June 2006, in the amount of \$446.25. Petitioner claimed that during April 2006, his wife began using Startec Global Communications (Startec), a dial-around service, for international calls and that the Startec agent told Petitioner that Startec would make the necessary billing arrangements with Respondent so that Petitioner could dial around to Startec using 1010719 for international calls. Petitioner claimed that Respondent charged \$5.25 per minute for his international calls when Petitioner expected to be charged the Startec rate of \$.21 a minute. Petitioner claimed that he attempted to use the Startec dial-around code in May, but the code was blocked. Petitioner claims that Respondent blamed him for not understanding the Startec service and using it incorrectly, and at the time Petitioner filed his petition, Respondent had disconnected his long distance service. Respondent filed an answer on December 20, 2006, denying the allegation that the bills rendered were incorrect. Respondent further requested that the relief sought by Petitioner should be denied on the basis that Petitioner failed to set forth a claim upon which relief may be granted.

On January 2, 2007, the Board transmitted this matter to the Office of Administrative Law (OAL) for determination 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.

During the pendency of this matter at the OAL, the parties engaged in negotiations and reached a settlement. The settlement was submitted to the ALJ for review. On April 4, 2007, ALJ Hurd filed an Initial Decision with the Board, memorializing the terms of the settlement and recommending that it be approved. The ALJ found the settlement to be voluntary, consistent with the law and fully dispositive of all issues in controversy. The ALJ therefore concluded that the settlement met the requirements of N.J.A.C. 1:1-19.1.

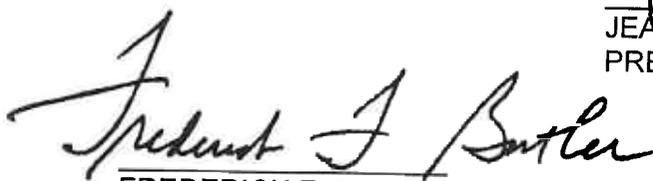
Under the terms of the settlement, Petitioner has agreed to pay Respondent \$200.00 as payment in full to resolve the billing dispute over outstanding long distance charges. Petitioner will pay Respondent \$50.00, plus current bill over four months. Respondent agrees to credit Petitioner's account in the amount of \$246.25.

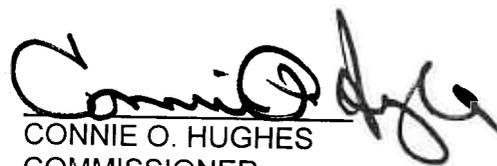
The Board FINDS that the terms of the settlement are fair and reasonable. Therefore, the Board HEREBY ADOPTS the Initial Decision and Stipulation of Settlement in their entirety, incorporating the terms thereof into this final decision as if fully set forth at length herein.

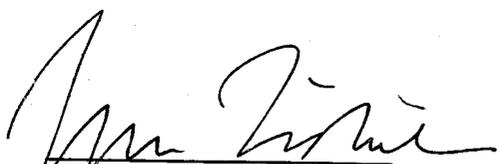
DATED: 5/15/07

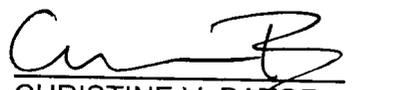
BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


CONNIE O. HUGHES
COMMISSIONER

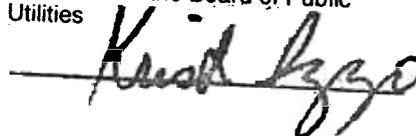

JOSEPH L. FIORDALISO
COMMISSIONER


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



BPU U Docket No. TC06110829U
OAL Docket No. PUC 254-07

Walter V. Polocanin v. Verizon New Jersey, Inc.

BPU Docket No. TC06110829U
OAL Dkt. No. PUC 254-07

SERVICE LIST

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CMS
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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

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07 APR -4 PM 3:59
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 254-07
AGENCY DKT. NO. TC061108029U

WALTER V. POLOCANIN,

Petitioner,

v.

VERIZON NEW JERSEY, INC.,

Respondent.

Walter V. Polocanin, petitioner, pro se

Ralph Lee, Esq., for respondent

Record Closed: March 28, 2007

Decided: March 30, 2007

BEFORE DOUGLAS H. HURD, ALJ:

This matter was transmitted to the Office of Administrative Law on January 19, 2007, for determination as a contested case, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

At the scheduled hearing of March 28, 2007, the parties agreed produced a fully executed Settlement indicating the terms thereof, which is attached and fully incorporated herein.

2007
3/10/21

have reviewed the record and the terms of the settlement. **IND**

The parties have voluntarily agreed to the settlement provided by the signatories or their respective attorneys.

The settlement fully resolves all issues and is consistent with the law.

CONCLUDE that this agreement meets the requirements N.J.A.C. and that the settlement should be approved. **ORDER** that the parties comply with the settlement terms and that the proceeding be closed.

hereby **FILE** my final decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

OAL DKT. NO. PUC 254-07

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 (45) 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.

March 30, 2007

DATE



DOUGLAS H. HURD, ALJ

Receipt Acknowledged:

Date Received at Agency: *4/5/07*

Mailed to Parties

DATE

OFFICE OF ADMINISTRATIVE LAW

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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

Polocarin v. Verizon

PUC 254-07

MARCH 28, 2007

Petitioner and Respondent have resolved this matter. Petitioner agrees to pay Respondent a total of \$200 to resolve a billing dispute regarding outstanding long distance charges. Petitioner can make these payments over 4 months

Date: March 28, 2007

Walter Polocarin
Walter Polocarin

Date: March 28, 2007

Ralph Lee
Ralph Lee, Esq
Verizon

