



Agenda Date: 1/16/08
Agenda Item: 7A

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.

)

ELIZABETHTOWN WATER COMPANY,
RESPONDENT

BPU DOCKET NO. WC07030159U
OAL DOCKET NO. PUC 5177-07

(SERVICE LIST ATTACHED)

BY THE BOARD:

On March 7, 2007, Carol Dixon ("Petitioner") filed a petition with the Board of Public Utilities ("Board") disputing, among other things, a bill of Elizabethtown Water Company ("Respondent") for water service. After receipt of Respondent's answer, this matter was transmitted to the Office of Administrative Law for a hearing as a contested matter on April 27, 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 the same day to the Board. No exceptions to the Initial Decision have been filed with the Board. A copy of the Initial Decision is attached hereto and incorporated into this Order.

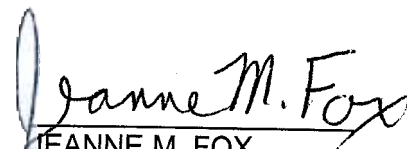
The procedural history of this matter and the ALJ's legal analysis, findings, and conclusions are set forth in sufficient detail in the Initial Decision and need not be restated herein. However, the Board notes that Petitioner identifies herself alternatively as Carol Dixon and Carole Dixon. While the 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. As noted by ALJ Clancy, Respondent has "written off" Petitioner's debt and, as explained by Respondent's attorney, Petitioner owed nothing to Respondent at the time of the Initial Decision.

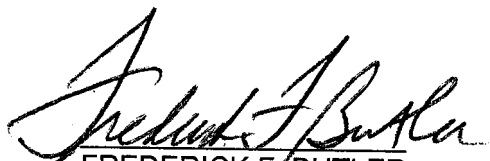
Thus, the Board HEREBY ORDERS that Petitioner's billing dispute be DISMISSED. For the reasons set forth by ALJ Clancy in the Initial Decision, the Board HEREBY ORDERS that Petitioner's other claims be DISMISSED WITH PREJUDICE.

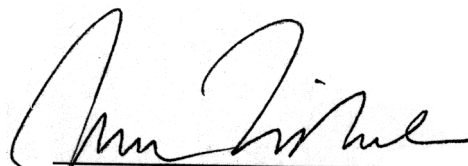
DATED:

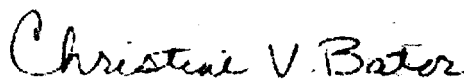
1/18/08

BOARD OF PUBLIC UTILITIES
BY:

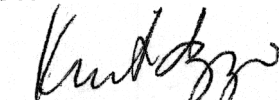

JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

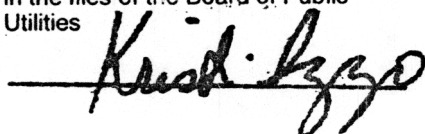

JOSEPH L. FIORDALISO
COMMISSIONER


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.

ELIZABETHTOWN WATER COMPANY

BPU Docket No. EC07030159U

OAL Docket No. PUC 5177-07

SERVICE LIST

Carol Dixon
37 N. 6th Street
Newark, New Jersey 07107-2975

Robert Brabston, Esq.
New Jersey American Water Company
P.O. Box 5079
Cherry Hill, New Jersey 08034

Eric Hartsfield, Director
Julie Ford-Williams
Division of Customer Assistance
Board of Public Utilities
Two Gateway Center
Newark, New Jersey 07102

Cynthia L. Miller, DAG
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07102

CMS
BBSLOW
PASKO
FORD-WILLIAMS (2)
RPA



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

RECEIVED
CASE MANAGER

2007 NOV -2 AM 9:15

BOARD OF PUBLIC UTILITIES
NEWARK, NJ

INITIAL DECISION

OAL DKT. NO. PUC 5177-07

AGENCY DKT. NO. WC07030159U

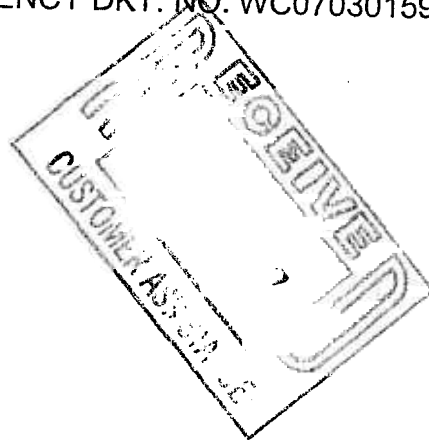
CAROLE DIXON,

Petitioner,

v.

ELIZABETHTOWN WATER COMPANY,

Respondent.



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

ROBERT BRABSTON, Esq., appeared on behalf of the respondent

Record Closed: September 26, 2007

Decided: November 2, 2007

BEFORE: THOMAS E. CLANCY, ALJ:

PROCEDURAL BACKGROUND

On May 3, 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 three specific persons. In my letter to the petitioner dated June 13, 2007 (see Exhibit CT-1), I stated that:

"Ms. Dixon requested that several subpoenas be issued for the attendance of the following at the September 26, 2007 hearing: (1) the N.J. Board of Public Utilities; (2) the N.J. Dept. of Community Affairs; (3) Prime Realtors, which assisted her to locate at 1201 Stelton Road, Piscataway, N.J. in 1997; (4) her two children, (aged 17 and 21), Kayshawn and Shacora; and (5) Dr. Larry Chen, 1034 Stelton Road, Piscataway, N.J., her former landlord, who allegedly paid part of the water bill in Piscataway during Ms. Dixon's stay there. Since this case is a billing dispute and it occurs to the undersigned that Ms. Dixon's two children and her former landlord, Dr. Larry Chen, are likely to have information about the dispute, I hereby ORDER* that Ms. Dixon contact OAL's Clerk to arrange for subpoenas to be issued for those three persons only. I FURTHER ORDER* that no subpoenas be issued for the N.J. Board of Public Utilities, the N.J. Dept. of Community Affairs and Prime Realtors because: (1) exactly how any one of these entities could play a part in this billing dispute escapes my ken entirely; and, (2) Ms. Dixon has not demonstrated on a prima facie basis that any of the three entities possesses information pertinent, relevant or material to the ultimate resolution of this case." And ... at the bottom of my letter, I specifically advised Ms. Dixon that my orders were appealable to the BPU at that point in time or at the conclusion of the case, pursuant to N.J.A.C. 1:1-18.6.

In any event, on the date set for the hearing in this matter, Ms. Dixon objected to my subpoena ORDERS while indicating: (1) that the OAL's Clerk's office had not been helpful to her in having the three subpoenas issued -- although she failed to specify in what ways this occurred; (2) that her daughter could not come to the hearing anyway because she is in school; (3) that she never served Dr. Chen with a subpoena; (4) that her son could not come to the hearing for unexplained reasons; (5) that she had proof her kids were kidnapped; and (6) that she can't issue subpoenas by herself because she'll be killed by the Mafia and her kids will be killed too. In view of this information, I informed petitioner that: (a) there were insufficient grounds to reverse or modify my previous subpoena orders; (b) my rulings were appealable to the BPU once I rendered my Initial Decision in this matter; and, (c) it was her responsibility to secure any necessary subpoenas and have them served accordingly ... pursuant to the subpoena instructions she received from OAL (see Exhibit P-27) but had not followed.

HEARING RESULTS

(a)

Concerning the “billing dispute”, counsel for the respondent provided Exhibit R-1 which demonstrates that in February of 2001, when petitioner lived in Piscataway, New Jersey, her account was deactivated, leaving her with a balance to pay of \$460. An attempt was made by the respondent to have petitioner pay \$40 per month towards an indebtedness of \$288 (once respondent gave her a good will credit of approximately \$172)(see next to last page of Exhibit R-1). But this arrangement was never effected between the parties. Nevertheless, according to the respondent’s attorney, the entire amount of the petitioner’s indebtedness has been “written off” and she owes nothing to respondent at the present time.

Accordingly, **CONCLUDE** there is no contested case for OAL to entertain jurisdiction over and hereby **DISMISS** petitioner’s claim for any relief in this regard.

(b)

Another claim by petitioner is that while she lived in Piscataway between 1997 and 2001, her kids drank contaminated water. At the request of the undersigned, the respondent’s attorney checked the contents of petitioner’s file and found no information or filed reports about such a condition. Similarly, petitioner provided no evidence about this situation other than her own uncorroborated, general testimony. Accordingly, even assuming that contaminated water is properly within the purview of the BPU to examine – I CAN FIND NO EVIDENCE TO SUBSTANTIATE petitioner’s claim; HENCE, I hereby DISMISS any and all of her claims for relief in this regard.

(c)

In addition to the foregoing, the undersigned allowed the petitioner to submit 31 exhibits into evidence and she amplified them with her testimony. With respect thereto, Ms. Dixon **CLAIMS**: (1) that she is a victim of resident fraud and bribery; (2) that certain persons are going to have her killed because of all the lawsuits she has filed against a number of people and agencies over a long time; (3) that there is a tie in between the persons and agencies she sued and the Mafia; (4) that she was illegally locked out and evicted from premises she occupied in 2001 (see Exhibit P-2); (5) that she has been homeless for the last seven years (see Exhibit CT-2); (6) that a certain number of her checks for housing, workers' compensation, cooling costs and social security have been stolen from her over the past several years; (7) that the Board of Public Utilities and the telephone company have "hooked up her account with the mob" and "they are trying to kill me"; and, (8) a number of persons and agencies have conspired against her for a long time; these have included Dr. Chen, EEOC, Civil Rights agencies, the N.J. Division of Youth and Family Services, Bell Atlantic, Verizon, Piscataway Police Department, Department of Community Affairs, New Jersey Unemployment and Disability, Social Security and others

Relative to the above, it is obvious that neither the BPU nor the OAL have any authority to address and/or resolve these additional eight claims asserted by the petitioner as grounds for relief. Accordingly, the undersigned **DISMISSES** all eight of these claims WITH PREJUDICE. In so doing, the undersigned notes 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: 11-2-07

Floyd D. Lang, Jr.

Mailed to Parties:

DATE

OFFICE OF ADMINISTRATIVE LAW

cml