

Date Board mailed Order to OAL: 3/20/14

cc: Service List Attached

DATED: 3/20/14



LAURA SANDERS, ACTING
DIRECTOR & CHIEF
ADMINISTRATIVE LAW JUDGE

Date OAL mailed executed Order to Board: 3/21/14 emailed

Date Board mailed executed Order to Parties: 3/21/14

SETH KURZ

V.

UNITED WATER, INC.

**BPU DOCKET NO. WC12100930U
OAL DOCKET NO. PUC 01404-13**

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Fwd
2/21/14

RECEIVED

FEB 20 2014



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

REC'D
2014 FEB 21 PM 12 37
NJ BPU
CASE MANAGEMENT

INITIAL DECISION

SUMMARY DECISION

OAL DKT. NO. PUC 01404-13

AGENCY DKT. NO. WC12100930U

SETH KURZ,

Petitioner,

v.

UNITED WATER NEW JERSEY,

Respondent.

Seth Kurz, for petitioner, pro se

John P. Wallace, Esq., for respondent

Record Closed: January 28, 2014

Decided: February 12, 2014

BEFORE **LELAND S. MCGEE**, ALJ:

PROCEDURAL HISTORY AND DISCUSSION

On February 5, 2013, this matter was transmitted to the Office of Administrative Law (OAL) for hearing 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. A prehearing conference was held on March 26, 2013, and a Prehearing Order issued the same date at which time a schedule for completion of discovery was established. An Evidentiary Hearing was scheduled for September 12,

2013. On March 28, 2013, petitioner filed motion for Default on the grounds that respondent filed its Answer out of time. On the same date, the undersigned denied the motion.

On May 17, 2013, respondent filed a Motion for More Specific Answers to Interrogatories. On July 12, 2013, a Prehearing Conference was held at which time Interrogatory responses were discussed. As a result, by letter dated July 12, 2013, respondent modified its Interrogatory request and a new date for responses by petitioner was established.

By August 16, 2013, petitioner had not responded to the Interrogatories and on August 23, 2013, respondent filed a Motion to Dismiss the petition. On September 11, petitioner submitted Answers to Interrogatories.

On September 20, respondent filed its Response to petitioner's March 28, 2013, Motion for Default.

On October 7, 2013, respondent requested permission to file a Motion for Summary Decision. By letter dated October 10, 2013, the undersigned confirmed a schedule for the parties to submit briefs in support of their respective positions on the Motion for Summary Decision.

On November 1, 2013, respondent mailed its Motion for Summary Decision; however, it was not received by the undersigned until follow-up inquiry and resubmission on January 23, 2014. On January 28, 2014, the undersigned granted the motion.

ORDER

Petitioner has failed to respond to the Motion for Summary Decision or to otherwise move forward with his case. It is hereby **ORDERED** that the Motion for Summary Decision shall be **GRANTED** and petitioner's request for a fair hearing is hereby **DISMISSED**.

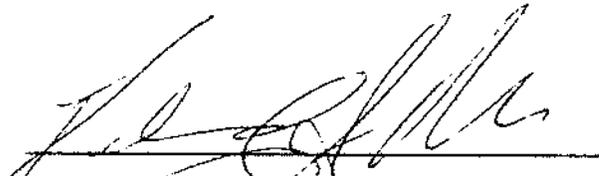
I hereby **FILE** my Initial Decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

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, 44 South Clinton Avenue, P.O. Box 350, Trenton, NJ 08625-0350**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

February 12, 2014

DATE

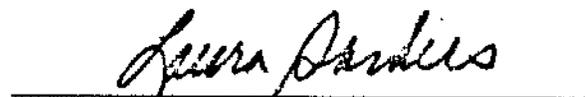

LELAND S. MCGEE, ALJ

Date Received at Agency:

February 12, 2014

Date Mailed to Parties:

FEB 18 2014


DIRLECION AND
CHIEF ADMINISTRATIVE LAW JUDGE

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