



On August 29, 2018, ALJ Cookson presided over an in-person settlement conference, where the parties reached a settlement of the disputed charges. Petitioner agreed to pay a total of \$1,525.22 over a period of 20 months beginning on September 20, 2018. Telephonic conference calls were conducted on October 5, 2018 and December 19, 2018 to follow up on an executed stipulation of settlement.

On January 30, 2019, counsel for Suez notified the ALJ that Petitioner has refused to execute a stipulation of settlement. In addition, Petitioner has failed to make the agreed upon payment plan. Accordingly, Respondent requested that the case be closed.

Petitioner has not objected, or otherwise responded in any way, to Respondent's January 30, 2019 request that the case be dismissed. Judge Cookson's Chambers also attempted to reach the Petitioner to no avail. On April 25, 2019, Judge Cookson issued an Initial Decision dismissing the petition. Petitioner has not filed any exceptions to the Initial Decision.

### **DISCUSSION AND FINDINGS**

Petitioner initiated a billing dispute challenging Respondent's efforts to recover the alleged debt. Respondent and Petitioner agreed to settle the matter during the August 29, 2018 settlement conference. Respondent then prepared a stipulation of dismissal, but Petitioner never signed the stipulation. On January 30, 2019, Respondent requested that the matter be dismissed for Petitioner's failure to execute the stipulation and to make timely payments according to the payment plan. Since adequate notice had been given to Petitioner, Judge Cookson dismissed the matter for lack of prosecution and returned the matter to the Board.

After review of the evidence in this matter, the Board agrees with Judge Cookson that this matter should be dismissed for failure to prosecute by the Petitioner. The Board further agrees with Judge Cookson that Petitioner abandoned the case when she failed to participate and cooperate in this case.

Accordingly, after careful consideration and review of the Initial Decision, and consideration of the entire record, the Board **HEREBY FINDS** that the findings of fact and conclusions of law set out by Judge Cookson are reasonable and supported by law, and **ACCEPTS** those findings.

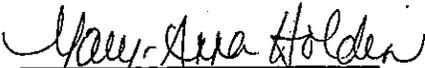
Therefore, the Board **HEREBY ADOPTS** the Initial Decision in its entirety and **ORDERS** that the Petition be **DISMISSED**.

This order shall be effective June 7, 2019.

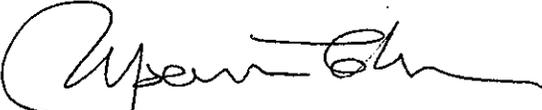
DATED: 5/28/19

BOARD OF PUBLIC UTILITIES  
BY:

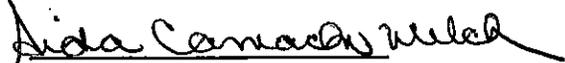
  
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JOSEPH L. FIORDALISO  
PRESIDENT

  
\_\_\_\_\_  
MARY-ANNA HOLDEN  
COMMISSIONER

  
\_\_\_\_\_  
DIANNE SOLOMON  
COMMISSIONER

  
\_\_\_\_\_  
UPENDRA J. CHIVUKULA  
COMMISSIONER

  
\_\_\_\_\_  
ROBERT M. GORDON  
COMMISSIONER

ATTEST:   
\_\_\_\_\_  
AIDA CAMACHO-WELCH  
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities.

**MUSA Z. ABDELHADY**  
v.

**SUEZ WATER NEW JERSEY**

**BPU DOCKET NO. WC18040368U**  
**OAL DOCKET NO. PUC 06705-18**

**SERVICE LIST**

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CASE MANAGEMENT

APR 25 2019

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

BOARD OF PUBLIC UTILITIES

APR 25 2019

MAIL RECEIVED

INITIAL DECISION

DISMISSAL

OAL DKT. NO. PUC 06705-18

AGENCY DKT. NO. WC18040368U

MUSA Z. ABDELHADY,

v.

SUEZ WATER NEW JERSEY.

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Musa Z. Abdelhady, petitioner, pro se

John P. Wallace, Esq., for respondent Suez Water New Jersey

CMS  
K. Graham  
D. Thomas  
S. Patnaik  
DAG  
E. Hartfield  
J. Ford  
R. Lambert  
C. Vachier  
Customer Assista

Record Closed: April 25, 2019

Decided: April 25, 2019

BEFORE GAIL M. COOKSON, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

On or about April 14, 2018, Musa Z. Abdelhady (petitioner) filed a dispute with the Board of Public Utilities (Board) against Suez Water New Jersey (Suez or respondent) alleging improper charges to his residential utility account on the basis, *inter alia*, that certain common areas not possessed or owned by him were being charged on his meter and/or that the meter was inaccurate. Suez answered to the complaint on or about April 24, 2018. The matter was transmitted to the Office of Administrative Law (OAL), where

it was filed on May 10, 2018, for hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to -13 and N.J.S.A. 52:14F-1 to 15.

I convened an initial case management conference with the parties telephonically on June 8, 2018. The parties agreed that an in-person meeting might be helpful toward resolving this billing dispute. On August 29, 2018, I presided over an in-person settlement conference with both parties. Petitioner was accompanied by a family member. At that time, it was disclosed that the amount of the bill that was in dispute was \$1,299.36. The total outstanding balance inclusive of current and undisputed water usage charges was \$2,324.58 because no payment had been made by petitioner since January 2017. We spent a couple of hours in negotiations when the parties reached an accord on a significant reduction of the disputed charges plus a means to pay the undisputed arrears over time.

Subsequently, my office communicated with the parties awaiting an executed Stipulation of Settlement. None was forthcoming. Telephonic conference calls were convened on October 5, 2018, and December 19, 2018, but without definite resolution. Petitioner seemed to indicate that she had not seen a written Stipulation. Under cover of January 30, 2019, Suez requested that the case be closed and returned to the agency because petitioner has refused to sign the draft settlement and has breached the agreed-upon payment plan. My office has made numerous attempts to obtain petitioner's position to the January 30 letter from Suez, again to no avail.

Accordingly, I **CONCLUDE** that there is just cause, under all the circumstances, to dismiss this appeal with prejudice because of petitioner's lack of communications and cooperation.

#### **ORDER**

It is, therefore, **ORDERED** that the petition of Musa Z. Abdelhady be deemed dismissed with prejudice for failure to prosecute.

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.

April 25, 2019  
DATE

  
GAIL M. COOKSON, ALJ

Date Received at Agency: \_\_\_\_\_

Date Mailed to Parties: \_\_\_\_\_

jb