



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
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Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu](http://www.nj.gov/bpu)

OFFICE OF CABLE TELEVISION AND  
TELECOMMUNICATIONS

|                           |   |                                 |
|---------------------------|---|---------------------------------|
| LEE WIDMAN                | ) | ORDER ADOPTING INITIAL DECISION |
| Petitioner                | ) |                                 |
|                           | ) | BPU DOCKET NO. TC24080612       |
| V.                        | ) |                                 |
|                           | ) | OAL DOCKET NO. PUC 10005-25     |
| VERIZON NEW JERSEY, INC., | ) |                                 |
| Respondent                | ) |                                 |

**Parties of Record:**

**Lee Widman**, Petitioner, *Pro Se*  
**Peter Saharko, Esq.**, for Respondent Verizon, New Jersey, Inc.

BY THE BOARD:

The instant matter involves a dispute between Lee Widman (“Petitioner”) and Verizon New Jersey, Inc., (“Verizon”). This Order sets forth the background and procedural history of Petitioner’s claims and represents the final decision in the matter pursuant to N.J.S.A. 52:14B-10(c). Having reviewed the record, the New Jersey Board of Public Utilities (“Board”) now considers the Initial Decision of Administrative Law Judge Carl V. Buck, III (“ALJ Buck”) rendered on January 22, 2026.

**BACKGROUND AND PROCEDURAL HISTORY**

On August 19, 2024, Petitioner filed a petition with the Board requesting a formal hearing regarding the alleged poor condition of utility poles, wiring, and equipment owned by Verizon and Atlantic City Electric Company (“ACE”) (“Petition”).<sup>1</sup> According to the Petition, the alleged equipment issues were identified at various pole locations in Ventnor City and Atlantic City, New Jersey. Petitioner requested a determination of the responsible parties for maintenance and repair of the poles, an immediate inspection of the poles to assess their condition and identify necessary repairs, a plan of action from Verizon and ACE, regular updates on the progress of the repairs and maintenance of the poles, and a full review of the poles, wiring, and equipment in all

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<sup>1</sup> This docket solely addresses the issues related to Verizon. The ACE-related issues that were raised by the Petitioner were addressed in a separate docket, Lee Widman v. Atlantic City Electric Company, BPU Docket No. EC24080613, OAL Docket No. PUC 16945-2024 N (“ACE Proceeding”).

of Ventnor and use of those results to determine if action is needed in Ventnor City and around all of New Jersey.

By correspondence dated August 21, 2024, Verizon indicated that it had investigated the lines at the locations provided and determined that there was no action needed. Verizon further stated that it advised Petitioner that the listed poles belonged to ACE and that Petitioner had been notified that Verizon's position was final and, absent additional facts, no further action would be taken.

On August 19, 2024, February 20, 2025, and March 26, 2025, Petitioner provided additional information regarding the issues in the Petition.

On May 29, 2025, Verizon filed its formal answer to the Petition ("Answer"). In its Answer, Verizon indicated that, based on its investigation, only four (4) of the thirty-seven (37) poles cited by the Petitioner belonged to Verizon. Based on a survey of the locations, Verizon found that the poles did not require remediation. Verizon confirmed that the "hanging box[es]" on certain poles cited by the Petitioner do belong to Verizon and are pole mounted terminals, however, they are secure and require no action. Verizon concluded its Answer stating that it remains confident that all poles, terminals, and cabling are secure, safe, and maintained properly. Verizon stated that it believes that it has addressed the issues raised in the formal complaint and that the case should be closed relative to Verizon issues.

On June 2, 2025, Petitioner submitted additional information on the matter.

On June 3, 2025, the matter was transmitted to the Office of Administrative Law ("OAL") for hearing as a contested case, where it was assigned to ALJ Buck. On June 3, 2025, Petitioner provided additional information about the issues described in the Petition.

On October 15, 2025, Verizon filed a motion to dismiss the complaint, which was treated as a Motion for Summary Decision, seeking to dispose of Petitioner's claims in this matter. By correspondence dated October 18, 2025, Petitioner responded to Verizon's Motion for Summary Decision and the record closed on December 2, 2025.

On January 22, 2026, ALJ Buck issued the Initial Decision in this matter and, as such, the forty-five (45)-day statutory period for the Board to enter a Final Decision is March 9, 2026.

### **VERIZON MOTION FOR SUMMARY DECISION**

On October 15, 2025, Verizon filed a Motion for Summary Decision, seeking to dispose of Petitioner's claims in this matter.

Verizon first argued that it was entitled to summary decision because Petitioner lacked standing to bring his claims as he has not sustained an injury. Verizon contended that, to establish standing, a Petitioner must have "a sufficient stake in the outcome of the litigation, a real adverseness with respect to the subject matter, and a substantial likelihood that the party will suffer harm in the event of an unfavorable decision." Verizon stated that Petitioner failed to meet any of the elements required to establish standing because he suffered no injury from the alleged conduct and none of the subject poles are located on his property.

Verizon further argued that, even if Petitioner did establish standing, the Petition should be dismissed because Petitioner failed to state a claim upon which relief can be granted. Verizon

noted that none of the poles listed in the Petition are owned by Verizon and that Petitioner's complaint against "the party with purported ownership over those poles" had been granted summary dismissal on similar grounds.<sup>2</sup>

Finally, Verizon asserted that Petitioner failed to cite to a statute or regulation that would support the requested relief.

### **PETITIONER OPPOSITION TO VERIZON MOTION FOR SUMMARY DECISION**

By correspondence dated October 18, 2025, Petitioner responded to Verizon's Motion for Summary Decision, stating that the Petition raises legitimate safety, regulatory, and public welfare concerns regarding Verizon's pole-mounted equipment and attachments in Ventnor City and Atlantic City and that the submitted photographic evidence demonstrates that the conditions are not speculative but ongoing, visible, and hazardous.

Petitioner stated that, although the offending wiring is not located on his property, the poles at issue are in Petitioner's immediate community and, therefore, Petitioner has standing.

Petitioner additionally distinguished this matter from the Initial Decision rendered in the ACE Proceeding, claiming that Verizon is directly responsible for the equipment shown in photographs provided by Petitioner. According to Petitioner, the ACE Proceeding decision underscored the need for Verizon to be accountable for the status of the equipment.

### **INITIAL DECISION**

On January 22, 2026, ALJ Buck issued an Initial Decision in this matter.<sup>3</sup>

Regarding the undisputed findings of fact, ALJ Buck noted that Petitioner does not reside at or own any of the real property at the addresses/poles that he identified in his Petition.<sup>4</sup> ALJ Buck also noted none of the poles listed in the Petition were owned by Verizon and that Verizon's pole-mounted terminals located on poles A8294 and A8287 were secure and did not require correction.<sup>5</sup> ALJ Buck stated that, other than Petitioner's claims and the photographs attached to the complaint, "no evidence has been provided to support [P]etitioner's claims or that the equipment in question is in disrepair or malfunctioning or a danger."<sup>6</sup>

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<sup>2</sup> See Lee Widman v. Atlantic City Electric Company, BPU Docket No. EC24080613, OAL Docket No. PUC 16946-2024 N, Order dated November 21, 2025.

<sup>3</sup> Lee Widman v. Verizon New Jersey Inc., OAL Docket No. PUC 10005-25, Initial Decision dated January 22, 2026.

<sup>4</sup> Id. at 3.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

ALJ Buck's legal analysis noted that, pursuant to N.J.A.C. 1:1-12.5, summary decision should be rendered

if the papers and discovery which have been filed, together with affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law. When a motion for summary decision is made and supported, an adverse party in order to prevail must by a responding affidavit set forth specific facts showing that there is a genuine issue which can only be determined in an evidentiary proceeding.<sup>7</sup>

ALJ Buck further stated that New Jersey courts have long held that, "if the opposing party [in a summary judgment motion] offers . . . only facts which are immaterial or of an insubstantial nature, a mere scintilla, "Fanciful frivolous, gauzy or merely suspicious," he will not be heard to complain if the court grants summary judgment."<sup>8</sup> Further, ALJ Buck indicated "[t]he 'judge's function is not himself [or herself] to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial."<sup>9</sup> After review of the moving papers, ALJ Buck concluded that this matter is appropriate for summary disposition.<sup>10</sup>

With respect to standing, ALJ Buck noted that "a party must present a sufficient stake in the outcome of the litigation, a real adverseness with respect to the subject matter, and a substantial likelihood that the party will suffer harm in the event of an unfavorable decision."<sup>11</sup> ALJ Buck stated that Petitioner has failed to demonstrate any of the requisite elements for standing, as "Petitioner alleged that the harms raised in his filings are limited to the specter of 'urban heat islands' and unspecified 'aesthetic impacts' on the community."<sup>12</sup> According to ALJ Buck, these potential harms are "too speculative" and "confer neither a sufficient stake in the outcome of the litigation nor a substantial likelihood of injury in the absence of relief."<sup>13</sup> ALJ Buck further noted that the subject utility poles are not located on Petitioner's property, and no claims have been raised that he receives service from the poles in question.<sup>14</sup> Therefore, ALJ Buck concluded that the Petitioner lacks standing to proceed in this case.<sup>15</sup> Noting that this finding alone is sufficient to grant summary decision, for the sake of completeness, ALJ Buck continued to address the rest of Petitioner's complaint.<sup>16</sup>

Regarding the regulatory violations alleged by Petitioner with respect to N.J.A.C. 14:3-2.3, -2.6, and -2.7, ALJ Buck stated that Petitioner has failed to provide any evidence that would sustain a

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<sup>7</sup> Initial Decision at 4.

<sup>8</sup> Ibid. (citing Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 529 (1995)).

<sup>9</sup> Initial Decision at 4 (citing Brill, 142 N.J. at 540).

<sup>10</sup> Initial Decision at 5.

<sup>11</sup> Ibid. (citing In re Camden Cnty., 170 N.J. 439, 449 (2002)).

<sup>12</sup> Initial Decision at 6.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

cause of action against Verizon.<sup>17</sup> As stated by ALJ Buck, Petitioner’s “allegations of the structural, neglected rundown and disrepair of certain utility poles are just that—allegations—that fail to provide any specific facts about the individual subject poles” that would render their condition “unacceptable” or “identify any kind of hazard” that may result from the condition of the subject poles.<sup>18</sup>

ALJ Buck further stated that Petitioner failed to raise or provide any statute, regulation, or case law that would support a basis for the requested relief.<sup>19</sup> ALJ Buck stated that, “[e]ven assuming, arguendo, that Petitioner met his burden of proof that Verizon was in violation of any one of the enumerated regulations, the relief sought is either not contemplated under the regulations or is beyond the scope of this tribunal’s authority.”<sup>20</sup>

ALJ Buck also noted that the complaint acknowledges that Verizon is not the only proper party to this action, as reflected in Petitioner’s other action against ACE.<sup>21</sup> However, ALJ Buck stated that it does not appear necessary or appropriate to order the joinder of additional parties to this matter given that the matter involving ACE was dismissed on a summary decision basis.<sup>22</sup>

Accordingly, ALJ Buck granted Verizon’s motion for summary decision.

## **DISCUSSION AND FINDINGS**

Following review of the record in this matter, including the Petition, Verizon’s Answer, Petitioner’s May 2025 response, Verizon’s Motion for Summary Decision, Petitioner’s October 18, 2025 response, and the Initial Decision, the Board agrees with ALJ Buck’s findings set forth in the Initial Decision, as discussed below.

As noted in the Initial Decision, the legal standard for granting a summary decision before the Board is set forth at N.J.A.C. 1:1-12.5, which provides that summary decision may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law. To prevail on a motion for summary decision, an adverse party must, by responding affidavit set forth specific facts showing that there is a genuine issue which can only be determined in an evidentiary proceeding.<sup>23</sup> In reviewing a motion for summary decision, the Board must “consider whether the evidential materials presented, when viewed in the light most favorable to the non-moving party in consideration of the applicable evidentiary standard, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party.”<sup>24</sup>

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<sup>17</sup> Id. at 7-8.

<sup>18</sup> Id. at 8.

<sup>19</sup> Ibid.

<sup>20</sup> Id. at 9.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.; see also Lee Widman v. Atlantic City Electric Company, BPU Docket No. EC24080613, OAL Docket No. PUC 16946-2024 N, Order dated November 21, 2025.

<sup>23</sup> N.J.A.C. 1:1-12.5(b).

<sup>24</sup> Contini v. Bd. of Educ. of Newark, 286 N.J. Super. 106, 122 (App. Div. 1995) (citing Brill, 142 N.J. at 523).

Verizon's Motion for Summary Decision sought to dispose of Petitioner's claims on the basis that: 1) Petitioner has no standing to bring the claims; and 2) even if Petitioner has standing, he failed to meet his burden of proof or alternatively state any claims upon which relief could be granted.

With respect to standing, a party must present a sufficient stake in the outcome of the litigation, a real adverseness with respect to the subject matter, and a substantial likelihood that the party will suffer harm in the event of an unfavorable decision.<sup>25</sup>

The record in this matter establishes that Petitioner did not dispute that the utility equipment identified in the Petition is not located on Petitioner's property. While Petitioner continued to allege that the location of the equipment should not preclude him from sustaining harm, Petitioner has not provided evidence to support his claims that the equipment in question is in disrepair or is otherwise causing harm to Petitioner. Therefore, the Board **HEREBY AFFIRMS** ALJ Buck's finding that Petitioner lacks standing to proceed in this matter.

Additionally, the record established that the Petitioner failed to meet his burden of proof with respect to any of the regulatory violations cited in the Petition. Petitioner made broad allegations of unacceptable conditions but did not identify any specific issues with the poles. Additionally, Petitioner failed to establish how Verizon was in violation of the regulations cited and how Petitioner was entitled to any relief.

In Petitioner's October 18, 2025 response to Verizon's motion for summary decision, which contained no supporting affidavit, Petitioner did not raise any issues of a material nature which would require an evidentiary proceeding. Accordingly, the Board **HEREBY AFFIRMS** ALJ Buck's finding that this matter is appropriate for summary disposition.

As such, the Board **HEREBY FINDS** the findings of fact and conclusions of law set forth by ALJ Buck to be reasonable and supported by law and **HEREBY ACCEPTS** those findings. Accordingly, pursuant to N.J.S.A. 52:14B-10, the Board **HEREBY ADOPTS** the Initial Decision in its entirety and **ORDERS** that Verizon's motion for summary decision be **GRANTED**.

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<sup>25</sup> N.J. St. Chamber of Com. v. N.J. Election Law Enf't Comm'n, 82 N.J. 57, 67-69 (1980).

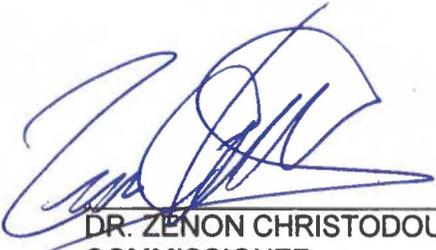
This Order shall be effective March 11, 2026.

DATED: March 4, 2026

BOARD OF PUBLIC UTILITIES  
BY:



CHRISTINE GUHL-SADOVY  
PRESIDENT



DR. ZENON CHRISTODOULOU  
COMMISSIONER



MICHAEL BANGE  
COMMISSIONER

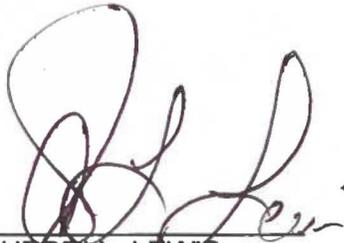


EMMA REBHORN  
COMMISSIONER



JOSEPH COVIELLO  
COMMISSIONER

ATTEST:



SHERRIL L. LEWIS  
BOARD SECRETARY

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

LEE WIDMAN, PETITIONER V. VERIZON NEW JERSEY INC., RESPONDENT

BPU DOCKET NO. TC24080612  
OAL DOCKET NO. PUC 10005-25

SERVICE LIST

**Petitioner**

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

**INITIAL DECISION ON**  
**SUMMARY DECISION**

OAL DKT. NO. PUC 10005-25

AGENCY DKT. NO. TC24080612

**LEE WIDMAN,**

Petitioner,

v.

**VERIZON NEW JERSEY, INC.,**

Respondent.

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**Lee Widman**, petitioner, appearing pro se

**Kenneth L. Wan, Esq.**, for respondent

**Meliha Arnautovic**, Deputy Attorney General, for Staff of the Board of Public Utilities (Jennifer Davenport, Acting Attorney General of New Jersey, attorney)

Record Closed: December 2, 2025

Decided: January 22, 2026

BEFORE **CARL V. BUCK III**, ALJ:

## **STATEMENT OF CASE**

Petitioner Lee Widman seeks a formal hearing regarding claims of poor conditions of utility poles, wiring, and equipment located within Ventnor City and Atlantic City as against respondent Verizon New Jersey, Inc. Petitioner cites multiple poles located in both municipalities, stating that there are “unresolved issues with the utility poles in Ventnor City and Atlantic City, NJ.” The relief requested is: a determination of who the responsible party is for the maintenance and repair of the poles in question; an immediate inspection of the poles by the relevant authorities to assess their condition and identify necessary repairs; a clear plan of action from Verizon, Atlantic City Electric (ACE), and any other responsible parties to address the issues; regular updates on the progress of the repairs and maintenance of the poles; a full review of all poles’ wiring and equipment in all of Ventnor; and use of those results to determine if action is needed in Ventnor and around all of New Jersey.

## **PROCEDURAL HISTORY**

On or about August 24, 2024, petitioner filed a petition for a formal hearing with the Board of Public Utilities (BPU) as respondent. On May 29, 2025, respondent filed a letter as response to the complaint. This matter was transmitted to the Office of Administrative Law (OAL), where it was filed on June 4, 2025, for a hearing pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. The case was assigned to me on June 25, 2025.

On July 15, 2025, I held a telephone prehearing conference, and thereafter a number of additional telephone prehearing conferences were held during which Verizon stated its intent to file a motion to dismiss this complaint. A motion to dismiss was filed on October 15, 2025. Although this methodology is not applicable to the Office of Administrative Law (OAL), the OAL treats this as a Motion for Summary Decision and, as such, this case is captioned. N.J. A. C. 1:1-12.5. A response from petitioner was received on October 18, 2025, and the record closed on December 2, 2025.

### **UNDISPUTED FACTS**

Petitioner resides at xxxx Boardwalk, in Ventnor City. He does not reside at or own any of the real property at the addresses/poles that he identified in his complaint, which were:

- Pole A8032, xx S. Baton Rouge Ave., Ventnor City, NJ;
- Pole A8042, xx N. Jackson Ave., Atlantic City, NJ;
- Pole A8034, xx N. Vassar Square, Ventnor City, NJ;
- Pole A7842, xx S. Vassar Square, Ventnor City, NJ;
- Pole A8294, xx S. Vassar Square, Ventnor City, NJ;
- Pole A8287, xx S. Baton Rouge Ave., Ventnor City, NJ;
- Pole A8032, xx Ventnor Ave., Ventnor City, NJ;
- Pole A846, xx N. New Haven, Ventnor City, NJ; and
- Pole A1333, Monmouth Ave., Ventnor City, NJ.

[See Aug. 17, 2024, Petition.]

Verizon filed its response to the Petition on May 29, 2025, noting that it had investigated all of the poles listed in the Petition, that none were owned by Verizon, and that Verizon's pole-mounted terminals located on poles A8294 and A8287<sup>1</sup> were secure and did not require correction.

Petitioner's complaint asserts, among other things, that "the poles remain unacceptable and pose a significant hazard."

Other than petitioner's claims and the photographs attached to the complaint, no evidence has been provided to support petitioner's claims or that the equipment in question is in disrepair or malfunctioning or a danger.

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<sup>1</sup> Verizon does not own poles A8294 or A8287. (Verizon Response, Exhibit C.)

## **DISCUSSION AND CONCLUSIONS OF LAW**

N.J.A.C. 1:1-12.5 provides that summary decision should be rendered

if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law. When a motion for summary decision is made and supported, an adverse party in order to prevail must by a responding affidavit set forth specific facts showing that there is a genuine issue which can only be determined in an evidentiary proceeding. Such response must be filed within twenty days of service of the motion.

Our regulation mirrors R. 4:46-2(c), which provides that “[t]he judgment or order sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to a judgment or order as a matter of law.”

A determination of whether a genuine issue of material fact exists that precludes summary decision requires the judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational fact finder to resolve the allegedly disputed issue in favor of the non-moving party. Our courts have long held that “if the opposing party [in a summary judgment motion] offers . . . only facts which are immaterial or of an insubstantial nature, a mere scintilla, ‘Fanciful frivolous, gauzy or merely suspicious,’ he will not be heard to complain if the court grants summary judgment.” Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 529 (1995) (citing Judson v. Peoples Bank & Trust Co., 17 N.J. 67, 75 (1954)).

The “judge’s function is not himself [or herself] to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial.” Id. at 540 (citing Anderson v. Liberty Lobby, 477 U.S. 242, 249 (1986)). When the evidence “is so one-sided that one party must prevail as a matter of law,” the trial court

should not hesitate to grant summary judgment. Id. at 534 (quoting Liberty Lobby, 477 U.S. at 251–52).

After reviewing the moving papers, I **CONCLUDE** that for the reasons set forth more fully below, under the Brill standards, this matter is appropriate for summary disposition.

In support of its motion for summary decision, respondent argues on several fronts. First, petitioner lacks standing to bring his claim. Second, even if petitioner had standing, his petition should be dismissed because he failed to state a claim upon which relief could be granted and/or because he did not meet his burden of proof. Third, even if petitioner satisfied his burden of proof, Verizon is not the party responsible for repairing the telephone wires complained of.

Petitioner contends that respondent is in violation of:

N.J.A.C. 14:3-2.3—Equipment on utility poles;

N.J.A.C. 14:3-2.6—Maintenance of plant, equipment and facilities;

N.J.A.C. 14:3-2.7—Inspection of property.

### Standing

To possess standing in a case, “a party must present a sufficient stake in the outcome of the litigation, a real adverseness with respect to the subject matter, and a substantial likelihood that the party will suffer harm in the event of an unfavorable decision.” In re Camden Cnty., 170 N.J. 439, 449 (2002) (citing New Jersey State Chamber of Com. v. New Jersey Election Law Enf’t Comm’n, 82 N.J. 57, 67–69 (1980)); see also Felix v. Pub. Serv. Elec. & Gas Co., 2013 N.J. PUC LEXIS 135, 6 (2013). “[T]he mere assertion of a public interest . . . is not sufficient to acquire standing”; instead, a “real and direct interest” is required. In re Camden Cnty., 170 N.J. 447.

Here, petitioner has failed to demonstrate any of the requisite elements for standing. He cites In re Camden County, 170 N.J. 439 (2002), stating that the courts

have recognized that standing extends to residents directly affected by unsafe infrastructure, even if the equipment is not physically located on their property.

He states that the photographs submitted show exposed and unsecured wiring, open junction boxes, damaged cable conduits, and overloaded and tangled attachments. Granted, a number of the photographs show conditions that are not aesthetically pleasing, but Verizon has certified that any wiring, cabling, boxes, etc., under its jurisdiction are safe and pose no hazard.

Petitioner alleged that the harms raised in his filings are limited to the specter of “urban heat islands” and unspecified “aesthetic impacts” on the community. Without more, these potential harms are simply too speculative and, as pled, confer neither a sufficient stake in the outcome of the litigation nor a substantial likelihood of injury in the absence of relief. On this last point, the subject utility poles are not located on petitioner’s property, nor have any claims been raised that he receives service from the poles in question. The poles appear to be located either a block or two away from his residential block or across the city. While geographically close to Ventnor City, one of the listed poles is located in Atlantic City—a completely different municipality.

Given the lack of any real and/or direct personal interest, coupled with a vague assertion of public harm, and no direct proof of personal injury, I **CONCLUDE** that petitioner lacks standing to proceed in this case.

While this finding alone is sufficient to grant summary decision, for the sake of completeness, the rest of petitioner’s complaint will be addressed.

### Regulatory Violations

In the August 17, 2024, petition, petitioner alleges three regulatory violations:

- N.J.A.C. 14:3-2.3
- N.J.A.C. 14:3-2.6
- N.J.A.C. 14:3-2.7

The regulations cited by petitioner state in relevant part:

N.J.A.C. 14:3-2.3—Equipment on utility poles

- (a) Each utility owning poles shall ensure that any equipment or facilities placed on the poles, including any wire serving a fire alarm, electric distribution or transmission system, light rail, telecommunications, or cable television system; or any other facilities, private or otherwise, are located and attached in accordance with standard industry practice.
- (b) When existing poles or facilities, and/or equipment placed on the pole or facilities, is repaired, replaced or changed, the utility shall ensure that the affected pole or facilities, and all equipment or facilities then in place, comply with the New Jersey Uniform Construction Code, N.J.A.C. 5:23 and with standard industry practice.
- (c) In the event of disagreement between a utility and a municipality or other utility as to the necessity of repair, replacement or modification of a utility pole, facilities or attached equipment, the matter shall be submitted to the Board for determination.

N.J.A.C. 14:3-2.6—Maintenance of plant, equipment and facilities

Every utility shall have and maintain its entire plant in such condition as will enable it to furnish safe, proper and adequate service.

N.J.A.C. 14:3-2.7—Inspection of property

- (a) Each utility shall inspect its equipment and facilities at sufficiently frequent intervals to disclose conditions, if existing, which would interfere with safe, adequate, and proper service, and shall promptly take corrective action where conditions disclosed by such inspection so warrant.
- (b) Whenever any equipment is removed from the system for any reason, it shall be inspected as to safety and serviceability before being reinstalled in the same or other locations.

- (c) Each pole, post, tower or other structure shall be inspected by the utility owning or using it with sufficient frequency and comprehensiveness to disclose the necessity for replacement or repair in order to ensure safe, adequate and proper service.

Other than citing the regulations and claiming that respondent was in violation of the same, petitioner has failed to provide anything additional, i.e. expert report, data, violation notices, etc., that would sustain a cause of action against respondent. His allegations of the structural, neglected rundown and disrepair of certain utility poles are just that—allegations—that fail to provide any specific facts about the individual subject poles that would render their condition unacceptable, identify any kind of hazard with specificity that may result from the condition of the subject poles, or establish any connection between himself and the poles in question for the purposes of identifying harm.

For instance: what poles and what equipment are not properly located or attached in accordance with standard industry practice or are out of compliance with the New Jersey Uniform Code (N.J.A.C. 14:3-2.3)?; what service does petitioner receive from Verizon or what service does petitioner receive that is out of compliance (N.J.A.C. 14:3-2.6)?; what pole did Verizon fail to inspect, where such failure on Verizon's part has interfered with safe, adequate, and proper service (N.J.A.C. 14:3-2.7)?

As stated above, petitioner has failed to state with specificity what equipment is being complained of or identify specific issues with the equipment in question. Instead, he makes vague and general comments on the condition of unspecified equipment that may or may not even belong to respondent.

Furthermore, petitioner fails to raise or provide any statutory, regulatory, or case law that would support a basis for the requested relief, which is:

1. A formal hearing to address the condition of the utility poles and determine the responsible parties for their maintenance and repair.

2. An immediate inspection of the poles by the relevant authorities to assess their condition and identify necessary repairs.
3. A clear plan of action from Verizon, ACE, and any other responsible parties to address the issues with the poles and ensure their safety.
4. Regular updates on the progress of the repairs and maintenance of the poles.
5. A full review of all poles, wiring, and equipment in all of Ventnor and use of those results to determine if action is needed in Ventnor and around all of New Jersey.

Even assuming, arguendo, that petitioner met his burden of proof that respondent was in violation of any one of the enumerated regulations, the relief sought is either not contemplated under the regulations or is beyond the scope of this tribunal's authority.

#### Parties to the Action

The complaint itself acknowledges that respondent is not the only proper party to this action. Petitioner brought another action, captioned Widman v. Atlantic City Electric Company, OAL Dkt. No. PUC 16946-24, which action was dismissed on a summary-decision basis on August 25, 2025.

However, given that the reference matter was dismissed on a summary-decision basis, it does not appear necessary or appropriate to order the joinder of additional parties to this matter. R. 4:28-1(c) is informative but not dispositive in the consideration of this application.

For all of the reasons set forth above, I **CONCLUDE** that respondent's motion for summary decision should be granted.

**ORDER**

Based upon the foregoing, it is hereby **ORDERED** that Verizon New Jersey, Inc.'s motion for summary decision is **GRANTED**.

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.



January 22, 2026 \_\_\_\_\_

DATE

\_\_\_\_\_  
**CARL V. BUCK III, ALJ**

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

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

CVB/tat

**APPENDIX**

**Exhibits**

**For petitioner**

Opposition to respondent's motion for summary decision

**For respondent**

Respondent's motion for summary decision and reply to opposition