



Agenda Date: 4/27/09
Agenda Item: 7A

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

CUSTOMER ASSISTANCE

VENICE BLACKMON,
Petitioner,

VERIZON NEW JERSEY INC.,
Respondent

) ORDER ADOPTING INITIAL
)
)
)
)
)
) BPU DOCKET NO.TC08020081U
) OAL DOCKET NO. PUC 5790-08

(SERVICE LIST ATTACHED)

BY THE BOARD¹

By petition filed with the New Jersey Board of Public Utilities (Board) on February 8, 2008, Venice Blackmon (Petitioner) requested a formal hearing on alleged improper billing related to the Triple Play telephone service package provided by Verizon New Jersey Inc. (Respondent). After receipt of Respondent's answer, this matter was transmitted to the Office of Administrative Law (OAL) for hearing as a contested case on May 7, 2008. On March 19, 2009, Administrative Law Judge (ALJ) Irene Jones issued her Initial Decision in this matter which was submitted to the Board on March 20, 2009.

ALJ Jones stated in the Initial Decision that, after originally setting a hearing in this matter for December 9, 2008, the hearing date was rescheduled to March 18, 2009. Petitioner failed to appear at the hearing and Respondent moved to dismiss the matter. ALJ Jones noted that Petitioner had not contacted her and that the hearing notice was not returned to the OAL as undeliverable. ALJ Jones, therefore, granted Respondent's Motion and dismissed the petition for failure to prosecute. No exceptions to the Initial Decision or any explanation regarding the failure to appear at the scheduled hearing have been filed with the Board by the Petitioner.

¹ Commissioner Frederick Butler did not participate in this matter.

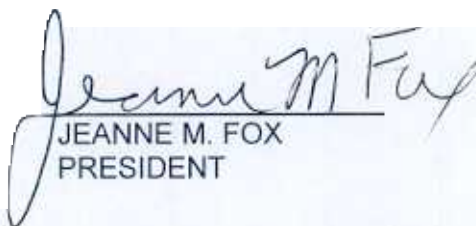
The Board notes that, pursuant to N.J.A.C. 1:1-14.4, if a party or their representative fails to appear at an appropriately noticed proceeding, the judge shall hold the matter for one day before taking action. Thereafter, if the judge does not receive explanation for the nonappearance within one day, the judge shall direct the Clerk to return the matter to the transmitting agency.

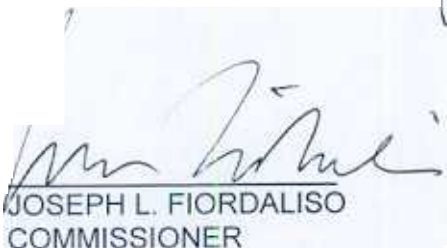
Nevertheless, since Petitioner submitted no explanation to ALJ Jones, and failed to submit any exceptions to the Initial Decision, the Board HEREBY FINDS the conclusions of ALJ Jones to be reasonable and, accordingly, HEREBY ADOPTS the Initial Decision in its entirety.

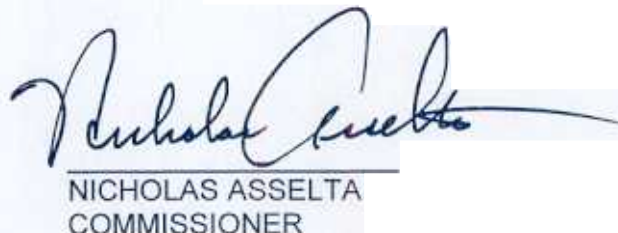
Therefore, the Board HEREBY ORDERS that the petition of Venice Blackmon be dismissed.

DATED: 4/27/09

BOARD OF PUBLIC UTILITIES
BY:

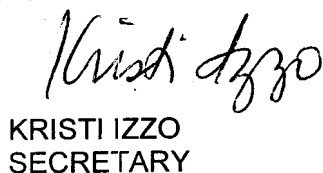

JEANNE M. FOX
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER

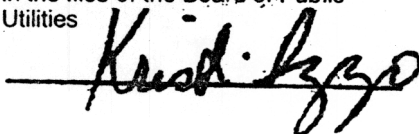

NICHOLAS ASSELTA
COMMISSIONER


ELIZABETH RANDALL
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



VENICE BLACKMON

v.

VERIZON NEW JERSEY INC.

BPU DOCKET NO. TC08020081U

OAL DOCKET NO. PUC 5790-08

SERVICE LIST

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. PUC 5790-08

AGENCY DKT. NO. TC0802008IU

VENICE BLACKMON,

Petitioner,

v.

VERIZON NEW JERSEY, INC.,

Respondent.

Venice Blackmon, petitioner, pro se

Ralph V. Lee, Esq, for respondent

Kerri Kirschbaum, Deputy Attorney General for respondent (Anne Milgram,
Attorney General of New Jersey, attorney)

Record Closed: March 18, 2009

Decided: March 19, 2009

BEFORE **IRENE JONES**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

On March 14, 2003, Petitioner, Venice Blackmon ("Petitioner" or "Blackmon" filed a petition with the Board of Public Utilities ("Board"). The petition request a formal

hearing on charges related to the respondent's Triple Play Telephone package. On May 13, 2008, the Board transmitted the matter to the Office of Administrative Law for hearing as a contested case. A hearing was scheduled and noticed for December 9, 2008. At the request of the undersigned, the matter was rescheduled to March 18, 2009. The petitioner did not appear at the hearing and the respondent moved to dismiss the matter. The Motion was granted.

Since that hearing date, the petitioner has failed to contact this tribunal. Further, the hearing notice was not returned and thus it is presumed as having been received.

Based on the petitioner's inaction, this matter is hereby **DISMISSED** for failure to prosecute.

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.



March 19, 2009

DATE

IRENE JONES, ALJ

Date Received at Agency:

Mailed to Parties:

DATE

OFFICE OF ADMINISTRATIVE LAW

sej