



Agenda Date: 6/21/13
Agenda Item: 7B

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

ESMAT ZAKLAMA,)	ORDER ADOPTING INITIAL
Petitioner)	DECISION
)	
V.)	
)	
UNITED WATER NEW JERSEY, INC.,)	BPU DOCKET NO. WC12080792U
Respondent)	OAL DOCKET NO. PUC 14365-12

Parties of Record:

Aimani Ibrahim, Esq., appearing on behalf of Petitioner, Esmat Zaklama
John P. Wallace, Esq., appearing on behalf of Respondent, United Water New Jersey, Inc.

BY THE BOARD:

On August 23, 2012, Esmat Zaklama ("Petitioner"), filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with United Water New Jersey, Inc. ("Respondent") for utility services rendered by Respondent.

After the filing of Respondent's answer, the Board transmitted this matter to the Office of Administrative Law ("OAL") for hearing and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. This matter was assigned to Administrative Law Judge ("ALJ") James A. Geraghty.

By Order dated April 22, 2013, ALJ Geraghty granted a Motion submitted by Respondent requesting partial decision and dismissal based on Petitioner's failure to comply with discovery requirements. In addition, on that date, OAL issued an Order to Show Cause, with a return date of April 30, 2013, why Respondent's Motion to Dismiss should not be granted. Based on the oral arguments presented by the parties on the return date, ALJ Geraghty determined that neither the Petitioner, since deceased, nor his then attorney introduced a reasonable or viable explanation as to the failure to comply with mandatory discovery requests. Based on the record before him, ALJ Geraghty granted Respondent's Motion and dismissed Petitioner's petition.

After review of the Initial Decision and the record, the Board **HEREBY FINDS** that the decision of ALJ Geraghty was reasonable and supported by the law. The Board further notes that its records do not indicate the filing of exceptions by either party. Therefore, the Board **HEREBY ADOPTS** the Initial Decision in its entirety as if set forth at length herein. Accordingly, the petition of Esmat Zaklama is **HEREBY DISMISSED**.

DATED: 6/21/13

BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER

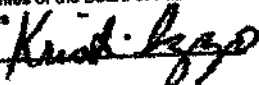

JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
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



ESMAT ZAKLAMA

V.

UNITED WATER NEW JERSEY, INC.

BPU DOCKET NO. WC12080792U
OAL DOCKET NO. PUC 14365-12

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. PUC 14365-12
AGENCY DKT. NO. WC12080792U

ESMAT ZAKLAMA,

Petitioner,

v.

UNITED WATER NEW JERSEY BILLING DISPUTE,

Respondent.

Aimani Ibrahim, Esq., for petitioner (Ibrahim Law Group, attorneys)

John P. Wallace, Esq., for respondent

Record Closed: April 19, 2013

Decided: May 7, 2013

BEFORE **JAMES A. GERAGHTY, ALJ:**

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

In an Order Partial Dismissal dated April 22, 2013, the undersigned granted respondent's Motion for partial decision and dismissal based on petitioner's failure to comply with discovery requirements. On the same day, the OAL issued an Order to Show Cause why respondent's motion to dismiss should not be granted. On April 30,

2013 the OAL entertained oral argument in response to the Show Cause Order. Familiarity with these orders and Initial Dismissal- Partial Dismissal is presumed.

THE ISSUE

The issue is whether the matter should be dismissed.

FINDINGS OF FACT

Based on the totality of the evidence and presentations by the parties at the return date of the show cause order, I **FIND** that petitioner, now deceased, adduced no valid reason why he or his then attorney failed to respond to discovery requests. This failure is not the fault of petitioner's current able attorney who represented him at the hearing.

CONCLUSION

For the reasons stated in the Initial Decision- Partial Dismissal, I **CONCLUDE** that petitioner has not complied with mandatory discovery requests and that the matter should be dismissed in accordance with N.J.A.C. 1:1-14.14.

DISPOSITION AND ORDER

Based on the foregoing facts and legal authority, I decide this matter in favor of the respondent and order the petition 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.

5/7/2013
DATE

James A. Geraghty
JAMES A. GERAGHTY, ALJ

Date Received at Agency:

May 7, 2013 | db

Date Mailed to Parties:

May 7, 2013 | db

db