



Agenda Date: 1/31/18
Agenda Item: IIIA

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CABLE TELEVISION

**CAMDEN COUNTY COUNCIL ON ECONOMIC
OPPORTUNITY, INC**

Petitioner,

V.

**COMCAST, INC. AND VERIZON
COMMUNICATIONS, INC**

Respondents

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**ORDER REJECTING
INITIAL DECISION**

**BPU DOCKET NO. CC12080796
OAL DOCKET NO. CTV 11542-13**

Parties of Record:

Jason N. Sunkett, Esq., for Petitioner
Laura M. Miller, Esq., Scarinci & Hollenbeck, LLC. for Respondent Comcast, Inc.
Richard C. Fipphen, Assistant General Counsel, for Respondent Verizon Communications, Inc.

BY THE BOARD:

On August 31, 2012, Camden County Council on Economic Opportunity, Inc. ("OEO" or "Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to alleged property damages by Comcast, Inc. and Verizon Communications, Inc. (hereinafter "Respondents") to the Sheridan Apartments, located at 922 Jackson Street, Camden, New Jersey. OEO is a private, non-profit corporation that provides services for economically disadvantaged individuals and families in Camden County, New Jersey. In that capacity, OEO is the property owner of record.

After the filing of answers by Respondents and subsequent amended pleadings through June 6, 2013, the Board transmitted this matter to the Office of Administrative Law ("OAL") as a contested case for hearing and initial disposition pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. on August 15, 2013. This matter was assigned to Administrative Law Judge ("ALJ") Susan M. Scarola.

While this matter was pending at the OAL, the parties engaged in negotiations and executed a Stipulation of Dismissal with Prejudice ("Stipulation") that was attached to and made a part of the Initial Decision. ALJ Scarola, finding that the parties settled the matter, issued an Initial Decision concluding that the dispute by and between the Petitioner, Camden County Council on Economic Opportunity, Inc., and Respondents, Comcast of Garden State L.P. and Verizon New Jersey, Inc. has been resolved.

Judge Scarola submitted the Initial Decision to the Board on January 9, 2018, finding that the parties voluntarily agreed to the settlement, that it fully disposes of all issues in controversy, and concluding the agreement met the requirements of N.J.A.C. 1:1-19.1.

N.J.A.C. 1:1-19.1 requires full disclosure of the settlement terms. The rule provides, in pertinent part, that:

- (a) Where the parties to a case wish to settle the matter, and the transmitting agency is not a party, the judge shall require the parties to disclose the full settlement terms:
1. In writing, by consent order or stipulation signed by all parties or their attorneys;
or
 2. Orally, by the parties or their representatives.

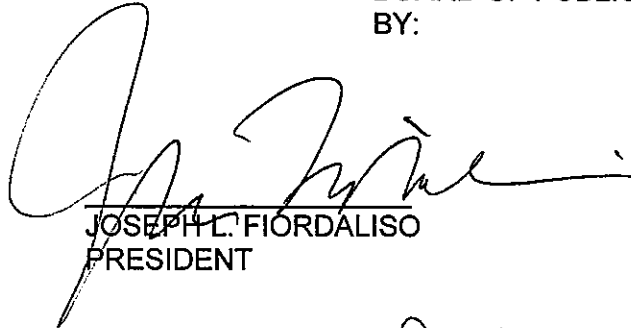
The Stipulation attached to the Initial Decision does not specify the precise settlement terms but rather notes that the parties have agreed to resolve the case. Accordingly, the Board **FINDS** that there is no settlement document before the Board which contains specific terms and conditions, as contemplated by N.J.A.C. 1:1-19.1(a). The Board further **FINDS** that there is no evidence in the record under which the Board can accept ALJ Scarola's conclusion that the provisions of N.J.A.C. 1:1-19.1 have been met. As a result, the Board **REJECTS** the conclusion in the Initial Decision and **REJECTS** the Initial Decision.

The Board additionally **FINDS** the Stipulation attached to the Initial Decision clearly indicates all parties have agreed to dismiss this matter with prejudice. The petition is therefore **DISMISSED** with prejudice and the matter is closed.

The effective date of this order is February 10, 2018.

DATED: 1/31/18

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



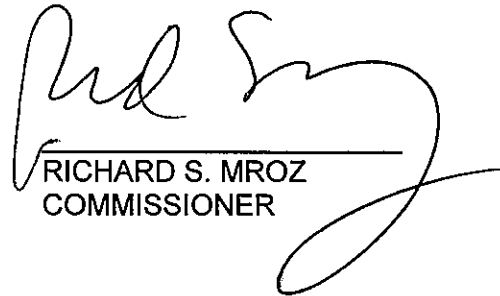
MARY-ANNA HOLDEN
COMMISSIONER



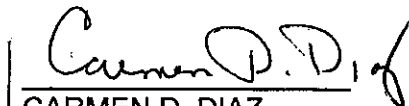
DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



RICHARD S. MROZ
COMMISSIONER

ATTEST: 
CARMEN D. DIAZ
ASSISTANT 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.

**CAMDEN COUNTY COUNCIL ON ECONOMIC OPPORTUNITY, INC. VS.
COMCAST, INC. AND VERIZON COMMUNICATIONS, INC.**

**BPU DOCKET NO. CW16010039
OAL DOCKET NO. CTV 11542-13**

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. CTV 11542-13

AGENCY DKT. NO. CC12080796

**CAMDEN COUNTY COUNCIL OF
ECONOMIC OPPORTUNITY,**

Petitioner,

v.

**COMCAST, INC. AND VERIZON
COMMUNICATIONS, INC.,**

Respondent.

Jason N. Sunkett, Esq., for petitioner

Laura M. Miller, Esq., for respondent Comcast, Inc. (Scarinci & Hollenbeck,
attorneys)

Richard C. Fipphen, Esq., for respondent Verizon Communications, Inc.

Record Closed: January 3, 2018

Decided: January 8, 2018

BEFORE SUSAN M. SCAROLA, ALJ:

This matter was transmitted to the Office of Administrative Law on August 15, 2013, for determination 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.

The parties have agreed to a settlement and have prepared a Settlement Agreement indicating the terms thereof, which is attached and fully incorporated herein.

I have reviewed the record and the terms of settlement and I **FIND**:

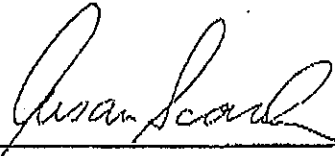
1. The parties have voluntarily agreed to the settlement as evidenced by their signatures or their representatives' signatures.
2. The settlement fully disposes of all issues in controversy and is consistent with the law.

I **CONCLUDE** that this agreement meets the requirements of N.J.A.C. 1:1-19.1 and that the settlement should be approved. I approve the settlement and therefore **ORDER** that the parties comply with the settlement terms and that these proceedings be concluded.

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.

January 8, 2018
DATE


SUSAN M. SCAROLA, ALJ

Date Received at Agency: 1/9/18

Date Mailed to Parties: _____

/cb.

140 West Street
8th Floor
New York, NY 10007
Tel (212) 519-4718
Fax (212) 962-1687
richard.fipphen@verizon.com



Richard C. Fipphen
Associate General Counsel

January 3, 2018

Via e-fax and Fedex

The Honorable Susan M. Scarola, A.L.J.
Office of Administrative Law
Quakerbridge Plaza – Building 9
P.O. Box 049
Trenton, New Jersey 08625

RECEIVED
2018 JAN -8 A 10:30
STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

Re: Camden County Council of Economic Opportunity v. Comcast, Inc. and Verizon
OAL Docket No. CTV11542-2013S
Agency Ref. No.: CC12080796

Dear Judge Scarola:

As Your Honor has been previously advised, this matter has been amicably resolved between Petitioner and Verizon New Jersey Inc. ("Verizon"). Enclosed herewith is one copy of the signature line for Verizon for the Stipulation of Dismissal with Prejudice, which was filed with your office on December 20, 2017 by counsel for Comcast.

Thank you.

Respectfully submitted,

Richard C. Fipphen

Cc: Jason Sunkett, Esq. (by email)
Laura M. Miller, Esq. (by email)
Alex Moreau, Esq. (by email)

Stipulation of Dismissal with Prejudice – OAL Docket No. CTV 11542-2013S

VERIZON NEW JERSEY INC.

By: 

Richard C. Fipphen
Associate General Counsel

Date: January 2, 2018

SCARINCI | HOLLENBECK
ATTORNEYS AT LAW

New Jersey | New York | Washington, D.C.

LAURA M. MILLER, Counsel
lmiller@sh-law.com
Direct Phone: 201-896-7121 | Direct Fax: 201-896-7122

December 20, 2017

Via E-Fax (609-689-4100) and Regular Mail

Honorable Susan M. Scarola, A.L.J.
Office of Administrative Law
Quakerbridge Plaza - Building 9
P. O. Box 049
Trenton, NJ 08625

Re: Camden County Council on Economic Opportunity, Inc. v. Comcast, Inc. and
Verizon Communications, Inc.
OAL Docket No. CTV11542-2013S
Agency Ref. No.: CC12080796
Our File No. 41000.6800

RECEIVED
JAN 22 2018
P. 09

Dear Judge Scarola:

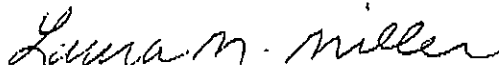
This firm represents Comcast of Garden State L.P. ("Comcast") in reference to the above-captioned matter.

As the Court has been advised, this case has been amicably resolved between the Petitioner and Comcast. Attached hereto for filing are two Stipulations of Dismissal with Prejudice executed by counsel for Comcast and the Petitioner.

It would be appreciated if Your Honor's Chambers would kindly date stamp the extra copy of this letter and the Stipulation and return them to me in the self-addressed, stamped envelope provided herein.

Thank you.

Respectfully,



Laura M. Miller
For the Firm

LMM/dp

cc Richard C. Fipphen, Esq. (richard.fipphen@verizon.com)
Jason Sunkett, Esq. (via email - jsunkett1@comcast.net)
Alex Moreau, Deputy Attorney General (Alex.Moreau@dol.lps.state.nj.us)

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
OFFICE OF CABLE TELEVISION

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(201) 896-4100
Attorneys for Comcast of Garden State L.P.

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OFFICE OF CABLE TELEVISION

CAMDEN COUNTY COUNCIL ON
ECONOMIC OPPORTUNITY, INC.

Petitioner,

OAL Docket No. CTV 11542-2013-S
BPU Docket No. CC12080796

VS.

COMCAST OF GARDEN STATE L.P. and
VERIZON NEW JERSEY, INC.,

Respondents.

STIPULATION OF DISMISSAL
WITH PREJUDICE

THIS MATTER having been resolved by and between the Petitioner, Camden County Council on Economic Opportunity, Inc., and Respondents, Comcast of Garden State L.P. and Verizon New Jersey, Inc., it is hereby stipulated and agreed that the same be and it is hereby dismissed with prejudice.

SCARINCI & HOLLENBECK, LLC
Attorneys for Respondent
Comcast of Garden State L.P.

JASON N. SUNKETT, ESQ.
Attorneys for Petitioner
Camden County Council on Economic
Opportunity, Inc.

By: Dennis C. Linken
Dennis C. Linken

By: Jason N. Sunkett
Jason N. Sunkett, Esq.

Dated: 12/20/17

Dated: 11/20/17