

## **Procedure For Filing a Petition For a Formal Hearing**

Under the Board's Rules of Practice, N.J.A.C. 14:1-1, et seq., you may file a petition for a formal hearing. As a general rule, the petition may follow the format of a complaint in the Superior court of New Jersey. In other words, basic facts should be clearly and concisely set forth in numbered paragraphs, together with a clear statement of relief requested. The original petition and three copies, plus an additional copy for each respondent, must be filed with the Board at Two Gateway Center, Newark, New Jersey 07102. A statutory filing fee of \$25 must accompany the petition N.J.S.A. 48:2-56. Checks should be made payable to "Treasurer, State of New Jersey." Upon filing with the Board of a proper petition, a Docket Number will be assigned which should thereafter be used on all subsequent correspondence concerning the matter.

Upon the filing of a petition, a copy is forwarded by the Board's Secretary to each respondent. If a respondent desires to contest the same or make any representations to the Board in connection therewith, it must file an answer in writing with the Board and serve a copy upon you within 20 days after service of the petition upon it. If you desire to reply to an answer, you must file the same with the Board and serve a copy upon the respondent(s) within 10 days after service of the answer upon you.

The Board will then review the matter to determine if it is a "contested case." A contested case may be heard by the Board or referred to the Office of Administrative Law (O.A.L.), 33 Washington Street, 15th Floor, Newark, New Jersey 07102, for hearing before an Administrative Law Judge. The parties will be notified by the Board or the OAL of the date assigned for hearing. Conferences may also be scheduled by the Board or by the OAL in an effort to define the specific issues involved and to permit an opportunity for settlement prior to hearing.

Unless waived or modified by the Board for good cause shown, the cost of a transcript plus the daily appearance fee for the court reporter must be borne by the petitioner. The filing fee of \$25, however, may be assessed against a respondent utility if the petition is sustained by the Board N.J.A.C. 48:2-56(1).

Under the Board's Rules of Practice, no party, except an individual appearing in his or her own behalf or a principal of a close corporation, shall be permitted to participate in any proceeding before the board unless represented by an attorney of this State. Therefore, a petition on behalf of a close corporation must be filed by an attorney.