

**THE EXPRESS-TIMES**

**Owner wins one against JCP& L**

**Judge orders company to repair power line poles running through 200-plus-acre property.**

Tuesday, March 20, 2007

**By tom quigley**  
**The Express-Times**

BLAIRSTOWN TWP. | Every once in a while the little guy wins.

Take township resident Eric Walther for example. He went up against the Jersey Central Power & Light Co. after the utility refused to fix his power lines.

Nine weakened poles support a half-mile-long string of tattered power lines across his 200-plus-acre property, bringing both electricity and phone service to the Maple Lane home.

JCP& L officials said the power line poles are privately owned and offered to make the repairs at a cost of \$6,151.39. The company later offered to share the cost with Walther.

He refused and took the utility to court.

On Friday, state Superior Court Judge Stephen B. Rubin ordered the utility to make the repairs for free. In what could be a far-reaching decision affecting farmers, the judge found the utility is responsible for maintaining the power lines and poles.

Electricity from the ailing power lines "bled" into Walther's two phone lines, completely cutting one phone line off and causing service interruptions in the remaining line, Hackettstown area attorney John Abromitis said.

The phone company would not make repairs until the electrical lines were repaired, said Abromitis, who represents Walther.

"We've got the easement agreement that says they have the responsibility to maintain the pole line, including cross arms and affiliated structures," Abromitis said.

The attorney said Walther's parents owned the property first and the family has paid for electric service for 68 years.

"Now 68 years later they don't want to take the responsibility (to maintain the pole line)," Abromitis said.

JCP& L spokesman Ron Morano said the utility is now considering its legal options. He declined to discuss details of the case.

A consumer fraud complaint against JCP& L is pending. Abromitis said his client is seeking monetary damages including attorney fees.

Abromitis said JCP& L argued the poles were not part of the pole line, an assertion he described as

"absurd."

Many area landowners have similar situations with pole lines extending from the road and across their property. The property owners often installed those poles.

In court papers, John Ponist, JCP& L's manager of operation services in Newton, N.J., said the utility did not install the poles on Walther's property and therefore they are privately owned.

He argued a ruling against the utility would harm JCP& L because there are other landowners in Blirstown Township and other rural areas with pole lines running across their property.

Depending on the circumstances of other landowners, Abromitis said, the judge's decision "could have far-reaching effects."

The judge granted an immediate or "summary judgment" in Walther's favor Friday.

Rubin cited a 1930s easement agreement as the basis for his decision. The judge found the agreement clearly shows the electric company is responsible for maintaining the pole lines.

In his ruling, Rubin referred to a JCP& L argument about not owning the poles. He concluded it doesn't matter who owns the poles since the easement agreement requires the utility to maintain them.

JCP& L argued the poles are not part of the pole line described in the easement agreement.

"This is not logical," the judge said in his decision.

Rubin ruled the poles are part of the pole line. The judge concluded the poles are needed to support the wires, otherwise Walther would have to erect new poles or connect the lines to trees.

Walther could not be reached for comment Monday night.

Reporter Tom Quigley can be reached at 908-475-8184 or by e-mail at [tquigley@express-times.com](mailto:tquigley@express-times.com).

© 2007 The Express Times

© 2007 PennLive.com All Rights Reserved.