



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 So. Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, NJ 08625-350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

TELECOMMUNICATIONS

IN THE MATTER OF EC-EYE COMMUNICATIONS )  
AND TECHNOLOGY INC. FAILURE TO COMPLY WITH ) ORDER TO SHOW  
REGULATIONS REQUIRING PAYMENT OF ANNUAL ) CAUSE  
ASSESSMENTS AND FILING OF ANNUAL REPORTS ) DOCKET NO.T012020147

Parties of Record:

**Stefanie Brand, Ratepayer Advocate, Division of Rate Counsel, Newark NJ**  
**Rolando Q. Rivera, President, EC-Eye Communications and Technology, Inc. Jersey City, N.J.**

BY THE BOARD:

The New Jersey Board of Public Utilities ("Board"), an agency within a principal department of the Executive Branch of State Government, with principal offices at 44 South Clinton Avenue, Trenton, New Jersey, by way of Order to Show Cause, alleges:

- 1) The Board, pursuant to N.J.S.A. 48:2-13 and N.J.S.A. 48:2-1 et seq., has been granted general supervision and regulation of and jurisdiction and control over all public utilities, including individuals, co-partnerships, associations and corporations, that own, manage or control telecommunications facilities that operate in New Jersey as well as their property, property rights, equipment, facilities and franchises.
- 2) The Board, pursuant to N.J.S.A. 48:2-1 et seq., is vested with the authority to regulate all aspects of public utilities in the State of New Jersey, and to adopt rules and regulations concerning such activities, and, pursuant to N.J.S.A. 48:2-19, to investigate any matter involving a public utility.
- 3) Pursuant to N.J.S.A. 48:2-16 (2)(b) and N.J.A.C. 14:3-6.3, a utility shall file an annual report as of December 31 of each year, due on or before March 31 of the following year.
- 4) Pursuant to N.J.S.A. 48:2-16.3, failure of a utility to file an annual report by the due date shall be subject to a penalty of \$5.00 for each day thereafter until such report is filed.

5) Pursuant to N.J.S.A. 48:2-62, a utility shall file a statement of gross intrastate revenue from operations ("SGIR") form (AR3-1) as of December 31 of each year, which is due on or before June 1 of the following year.

6) On September 28, 2004, Respondent, EC-Eye Communications and Technology, Inc. ("Respondent" or "EC-Eye") filed a petition with the Board and was later granted Authority to provide telecommunications services throughout New Jersey on December 9, 2004 in In the Matter of the Petition of EC-EYE Communication and Technology, Inc. for a Certificate of Public Convenience and Necessity To Offer Local Exchange and Interexchange Telecommunications Services in the State of New Jersey, BPU Docket No. TE04091060 ("2004 Order"). The 2004 Order required EC-Eye, among other things, to comply with N.J.S.A. 48:2-16 and N.J.S.A. 48:2-62.

7) Respondent is a public utility in the State of New Jersey and a provider of telecommunications services subject to the jurisdiction of the Board with an address of record at 90 Tuers Avenue, Jersey City, New Jersey.

8) Staff from the Division of Audits made numerous attempts by e-mail and by mail to EC-EYE to collect the assessment. For FY 2007, staff e-mailed respondent on September 06, October 29 and November 20 2007. For FY 2008, staff requested payment by e-mailing respondent on May 27 and June 19, 2008 and January 12. For FY 2009, staff e-mailed respondent on March 6 and then faxed and mailed a request on April 16, 2009. For FY 2011, staff e-mailed respondent on June 10, 2011 and failed to pay the required assessment. Respondent has failed to pay any assessment from FY 2007 through FY 2011.

9) On December 20, 2011, Staff of the Board's Division of Telecommunications notified EC-Eye that it had failed to timely file its annual report under N.J.S.A. 48:2-16(2)(b) for the calendar years from December 31, 2005 through December 31, 2010, which was due on or before April 1, 2006, through April 1, 2011.

10) Additionally, EC-Eye failed to comply with N.J.S.A. 48:2-62, whereby it was required to file an SGIR form (AR3-1) for each year, the first of which ended December 31, 2005 and thereafter through December 31, 2010. Moreover, under N.J.S.A. 48:2-59 and 48:2-60, EC-Eye is obligated to pay an annual assessment to the Board for fiscal years 2007 through 2011 based on Gross Intrastate revenues from operations as of December 31, 2005 through December 31, 2009.

11) Respondent, having filed its annual report a total of 1109 days late over a six year period is in violation of the statutes referenced above and as such is required to pay \$ 5,545.00 for penalties for noncompliance and \$ 2,500.00 for assessment fees.

The Board **HEREBY ORDERS:**

1) EC-Eye to show cause before the Board why the Board should not find that EC-Eye (i) failed to file its annual report in a timely manner; (ii) failed to submit the requisite assessment to the Board; and (iii) failed to comply with the 2004 Order.

2) EC-Eye to file an Answer to this Order to Show Cause and any and all documents or other written evidence upon which it relies in responding to the within Order to Show Cause by April 12, 2012.

If EC-EYE fails to respond to the within Order to Show Cause by April 12, 2012, then the authority granted to EC-EYE to provide telecommunications services throughout New Jersey in BPU Docket No. TE04091060 shall be revoked by the Board.

The Board **HEREBY DIRECTS** that a certified copy of this Order be served upon Respondent pursuant to N.J.S.A. 48:2-40.

DATED: 3/12/2012

BOARD OF PUBLIC UTILITIES  
BY:

  
ROBERT M. HANNA  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

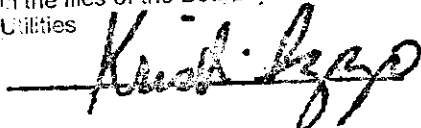
  
NICHOLAS ASSELTA  
COMMISSIONER

  
MARYANNA 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



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