



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

TELECOMMUNICATIONS

IN THE MATTER OF THE VERIFIED PETITION OF ) ORDER  
LOCAL ACCESS, LLC FOR AUTHORITY TO PROVIDE )  
LOCAL EXCHANGE AND INTEREXCHANGE )  
TELECOMMUNICATIONS SERVICES IN THE STATE )  
OF NEW JERSEY )  
) DOCKET NO. TE12070718

**Parties of Record:**

**Katherine E. Barker Marshall, Esq.**, Arent Fox LLP, Washington, DC, for Petitioner  
**Stefanie A. Brand, Esq.**, Director, Division of Rate Counsel

BY THE BOARD<sup>1</sup>:

Pursuant to N.J.S.A. 48:2-1 et seq. and Section 253 of the Federal Telecommunications Act of 1996, 47 U.S.C. § 151 et seq., and by letter dated July 30, 2012, Local Access LLC ("Petitioner" or "Local Access") filed a Verified Petition with the New Jersey Board of Public Utilities ("Board") requesting authority to provide both resold and facilities-based competitive local exchange and interexchange telecommunications services throughout the State of New Jersey. Petitioner has submitted its financial information under seal and has filed a Motion for Confidentiality along with a sworn affidavit with substantiation for confidential treatment in accordance with the Board's rules for determining confidentiality, N.J.A.C. 14:1-12.1 et seq. and in compliance with the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

Local Access is a privately held limited liability company organized under the laws of the State of Florida. Local Access Holdings LLC is petitioner's parent company. Robert Russell, President, and Neil Rosenblit, Chief Operating Officer, are the principal owners and each hold a 50% ownership interest in the company. Petitioner's principal offices are located at 11442 Lake Butler Blvd., Windermere, Florida 34786.

Petitioner has submitted copies of its Certificate of Formation from the State of Florida and its New Jersey Certificate of Authority to operate as a Foreign Limited Liability Company. Petitioner

<sup>1</sup> Commissioner Mary-Anna Holden did not participate.

is currently seeking authority to provide telecommunications services in the States of California, Florida, Georgia, Illinois, Massachusetts, New York, Pennsylvania, Texas, and Virginia. Petitioner states that it has not been denied authority to provide telecommunications services, its authority has not been revoked in any jurisdiction, and it has not been the subject of any civil or criminal proceedings. Petitioner intends to review its options with regards to an interconnection agreement and will likely opt into an existing agreement.

Petitioner seeks the authority to provide both resold and facilities-based competitive local exchange and interexchange telecommunications services to business and carrier customers throughout the State of New Jersey. The company is not currently offering any services to New Jersey customers, but plans to provide carrier-to-carrier services in the near future. Local Access intends to initially provide both voice and access services and, as business and economic circumstances dictate, will provide local exchange, exchange access and dedicated transport services, but will not provide operator assisted services to business and carrier customers in New Jersey. Petitioner plans to develop its network by using a combination of owned and leased facilities and may allocate its equipment in central offices and/or carrier hotels insofar as feasible within the changing telecommunications market. The company will rely primarily on the facilities leased from certified carriers to provide its services thereby reducing the need for significant capital expenditures. Currently, Petitioner has no plans to construct outside plant or loop distribution equipment, but may undertake such action in the future if changes in market conditions warrant such action. Petitioner maintains a toll-free number for customer service inquiries. Petitioner will file a proposed tariff with the Board.

Petitioner requests a waiver of N.J.S.A. 48:3-7.8 and N.J.A.C. 14:1-4.3, which requires that books and records be kept within the State of New Jersey and be maintained in accordance with the Uniform System of Accounts ("USOA"), respectively. Petitioner requests permission to maintain its books and records in accordance with Generally Accepted Accounting Principles and to keep all books, records, documents and other writings incident to the conduct of Petitioner's business in the State of New Jersey at Petitioner's corporate offices located in Windermere, Florida. Petitioner also states, upon written notice from the Board or Board Staff, it will provide its books and records at such time and place within New Jersey as the Board may designate and will pay any reasonable expenses for examination of records.

Petitioner asserts that approval of its Petition will further the public interest by expanding the availability of competitive telecommunications services in the State of New Jersey. Petitioner also asserts that approval of this Petition will provide New Jersey customers with access to new technologies and service choices and will permit customers to achieve increased efficiencies and cost savings.

With regard to its technical and managerial qualifications, Local Access states that it possesses the technical capability and managerial qualifications to operate and manage its telecommunications operations in the State of New Jersey. Petitioner has submitted the professional biographies of its key personnel, who, according to Local Access, are well qualified to execute its business plans and have extensive managerial and technical experience in the telecommunications industry.

By letter dated September 17, 2012, the Division of Rate Counsel submitted comments with the Board stating that it does not object to Board approval of the Verified Petition.

## DISCUSSION

On February 8, 1996, the Federal Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56, codified in scattered sections of 47 U.S.C. § 151 et seq., was signed into law, removing barriers to competition by providing that “[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” 47 U.S.C. § 253(a).

Any grant of authority is subject to the right of the Board as the state regulatory authority to impose requirements necessary to protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers. 47 U.S.C. § 253(c).

In considering this Petition, the Board recognizes its obligation not to prohibit entry into intrastate telecommunications markets of qualified applicants. 47 U.S.C. § 253(a). The Board also considers the New Jersey State Legislature’s declaration that it is the policy of the State to provide diversity in the supply of telecommunications services and the Legislature’s findings that “competition will promote efficiency, reduce regulatory delay, and foster productivity and innovation” and “produce a wider selection of services at competitive market-based prices.” N.J.S.A. 48:2-21.16(a)(4); N.J.S.A. 48:2-21.16(b)(1) and (3).

Therefore, having reviewed Local Access’s Petition and the information supplied in support thereof, as well as Rate Counsel’s comments, the Board FINDS that the Petitioner is in compliance with the Board’s filing requirements to provide telecommunications services in New Jersey. Accordingly, the Board HEREBY AUTHORIZES the Petitioner to provide local exchange and interexchange telecommunications services throughout the State of New Jersey.

The Board also FINDS that in accordance with N.J.S.A. 48:2-59 and N.J.S.A. 48:2-60 and N.J.S.A. 52:27EE-52, the Petitioner is subject to an annual assessment by both the Board and the Division of Rate Counsel, respectively. The Board notes that the Petitioner will not be permitted to offer aforementioned services until a tariff is filed with the Board. Further, the Petitioner will not be relieved from its responsibility to file an Annual Report and a Statement of Gross Intrastate Revenues from Operations form for the preceding calendar year and payment of annual assessment to both the Board and the New Jersey Division of Rate Counsel.

The Board HEREBY ORDERS that:

- 1) Petitioner shall file its tariff with the Board.
- 2) Pursuant to N.J.S.A. 48:2-16(2)(b) and N.J.A.C. 14:3-6.3, Petitioner shall file an annual report as of December 31 of each year, which is due on or before March 31 of the following year. Pursuant to N.J.S.A. 48:2-16.3, if Petitioner fails to file an annual report by the due date, Petitioner shall be subject to a penalty of \$5.00 for each day thereafter until such report is filed.
- 3) Pursuant to N.J.S.A. 48:2-62, Petitioner shall file a statement of gross intrastate revenues from operations form (AR3-1) as of December 31 of each year, which is due on or before June 1 of the following year.

On or before February 1<sup>st</sup> of each year, the Petitioner will receive from the Division of Audits an annual report package and a statement of gross intrastate revenues from operations form for the preceding calendar year. The purpose of these documents is to report the Petitioner’s

financial information and gross intrastate revenues from operations as of December 31 of each year. The annual report and a statement of gross intrastate revenues from operations form are due on or before March 31 and June 1 of the following year, respectively. If Petitioner does not receive these documents, it is Petitioner's responsibility to obtain them from the Board. It is also the Petitioner's responsibility to ensure timely filing of these reports.

Regarding the Petitioner's request for waiver of the Board rules, the Board FINDS that the Petitioner has demonstrated good cause why the Board should grant relief from its requirements that the Petitioner maintains its books and records in accordance with USOA and within New Jersey.

Therefore, subject to the Petitioner's continuing responsibility to provide the Board books and records upon 48 hours notice, and in the manner requested, and to pay to the Board all expenses or charges incurred by the Board for any investigation or examination of these books and records, the Board APPROVES the Petitioner's request for the exemption from maintaining its books and records in accordance with USOA and in New Jersey.

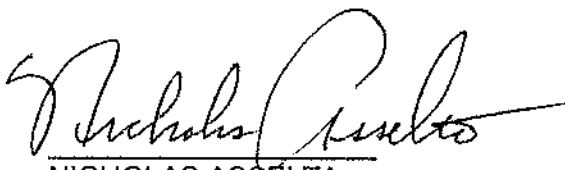
DATED: 10/23/12

BOARD OF PUBLIC UTILITIES  
BY:

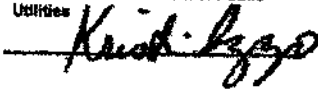
  
ROBERT M. HANNA  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
NICHOLAS ASSELTÀ  
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  


IN THE MATTER OF THE VERIFIED PETITION OF LOCAL ACCESS LLC FOR AUTHORITY  
TO PROVIDE LOCAL EXCHANGE AND INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES IN THE  
STATE OF NEW JERSEY

DOCKET NO. TE12070718

SERVICE LIST

1. Petitioner's Contact Person:

Jim Finneran, Chief Operating  
Officer and Regulatory Contact  
Local Access LLC  
11442 Lake Butler Blvd.  
Windermere, Florida 34786

2. Petitioner's Attorney:

Katherine E. Barker Marshall  
Arent Fox LLP  
1050 Connecticut Avenue NW  
Washington, DC 20036

3. Rate Counsel:

Stefanie A. Brand, Esq.  
Director, Division of Rate Counsel  
31 Clinton Street, 11<sup>th</sup> Floor  
P. O. Box 46005  
Newark, New Jersey 07101

4. Deputy Attorney General:

Alex Moreau, DAG  
Department of Law & Public Safety  
Division of Law  
124 Halsey Street, 5<sup>th</sup> Floor  
Post Office Box 45029  
Newark, New Jersey 07101

5. Board's Staff:

Kristi Izzo  
Secretary to the Board  
Office of Secretary  
Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350

Dennis J. Moran  
Director, Division of Audits  
Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350

Anthony Centrella  
Director, Division of Telecommunications  
Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350

Valerie Haynes, Chief  
Board of Public Utilities  
Bureau of Case Management  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350