



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

TELECOMMUNICATIONS

IN THE MATTER OF CITI BROADBAND WIRELESS) ORDER TO SHOW CAUSE
INC. FAILURE TO COMPLY WITH REGULATIONS)
REQUIRING PAYMENT OF AN ANNUAL)
ASSESSMENT) DOCKET NO. TS15070837

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Jesse Russell, CEO, Citi Broadband Wireless Inc.

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 Street, 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 June 20, 2006, Respondent, Citi Broadband Wireless, Inc. ("Respondent" or "Citi"), filed a petition with the Board and was later granted authority to provide telecommunications services throughout New Jersey by Order dated September 28, 2006 in In the Matter of the Petition of Citi Broadband Wireless, Inc. for a Certificate of Public Convenience and Necessity To Provide Facilities-Based and Resold Local Exchange and Interexchange Telecommunications Services Throughout the State of New Jersey, Docket No. TE06060468 ("2006 Order"). The 2006 Order required Citi, among other things, to comply with N.J.S.A. 48:2-16, N.J.S.A. 48:2-62, and N.J.A.C. 14:3-6.3. Id. at 3-4.
- 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 25 James Way, Eatontown, NJ 07724.
- 8) Moreover, under N.J.S.A. 48:2-59 and 48:2-60, Respondent is obligated to pay an annual assessment to the Board for fiscal year ("FY") 2015 based on gross intrastate revenues for calendar year 2013. Since Respondent reported zero revenues, according to the applicable statutes, the minimum assessment amount of \$500.00 applies. N.J.S.A. 48:2-60. Respondent was billed this amount on January 5, 2015 under invoice #2386 with follow-up reminders sent on March 3, 2015, March 20, 2015, April 10, 2015, May 5, 2015, and May 19, 2015, but Respondent failed to pay the required assessment.
- 9) Respondent is in violation of the statutes referenced above, and therefore is required to pay \$500.00 for failure to pay its FY 2015 assessment.
- 10) The Division of Audits Staff made several attempts by e-mail to contact Citi to pay the assessment. Most notably, in addition to sending the company a regular billing invoice on January 5, 2015, Staff e-mailed Respondent's contact on March 3, 2015 and followed up with an e-mail on March 20, 2015. After failure of the Respondent to pay its assessment of \$500.00, a third, fourth and final request by e-mail was sent to Respondent's authorized contact on April 10, May 5, 2015 and May 19, 2015, respectively.
- 11) On June 11, 2015, Staff from the Division of Telecommunications notified Respondent that it was in violation of N.J.S.A. 48:2-59 and 48:2-60 and is required to pay \$500.00 for its FY 2015 assessment within 10 business days. Respondent was advised that nonpayment would prompt further Board action and could result in a revocation of Respondent's approval to provide local and interexchange telecommunications service in New Jersey. Citi did not respond to Staff's notice.

The Board **HEREBY ORDERS:**

- 1) Citi Broadband Wireless, Inc. to show cause before the Board why the Board should not find that Respondent: (i) failed to submit the requisite assessment to the Board; and (ii) failed to comply with the terms and conditions of the Board's 2006 Order.
- 2) Citi Broadband Wireless, Inc. 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 September 29, 2015.

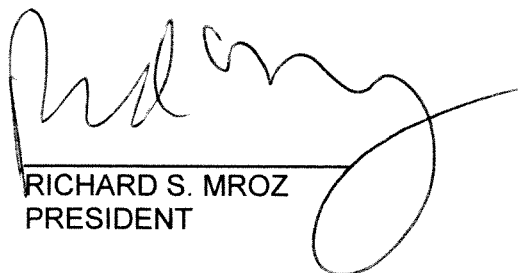
If Citi Broadband Wireless, Inc. fails to respond to the within Order to Show Cause by September 29, 2015, then the authority granted to Respondent to provide telecommunications services throughout New Jersey at Docket No. TE06060468 shall be revoked by the Board.

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

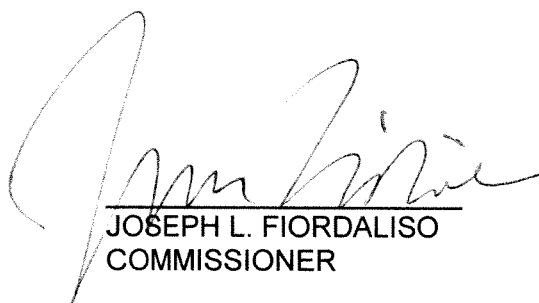
This Order shall be effective August 29, 2015.

DATED: 8/19/15

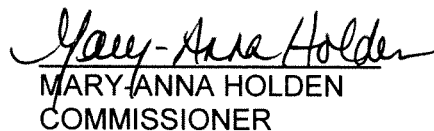
BOARD OF PUBLIC UTILITIES
BY:



RICHARD S. MROZ
PRESIDENT



JOSEPH L. FIORDALISO
COMMISSIONER



MARY-ANNA HOLDEN
COMMISSIONER

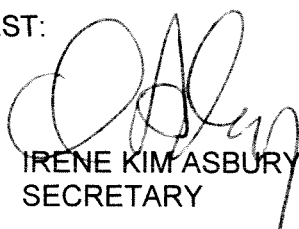


DIANNE SOLOMON
COMMISSIONER



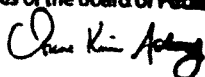
UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST:



IRENE KIM ASBURY
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 CITI BROADBAND WIRELESS Inc. FAILURE TO COMPLY WITH
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DOCKET NO. TS15070837

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