



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center, Suite 801
Newark, NJ 07102
www.nj.gov/bpu/

TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF WIMACTEL,)
INC. FOR APPROVAL TO PROVIDE LOCAL)
EXCHANGE AND INTEREXCHANGE)
TELECOMMUNICATIONS SERVICES THROUGHOUT)
THE STATE OF NEW JERSEY)

ORDER

DOCKET NO. TE11010021

James H. Laskey, Esq., Norris, McLaughlin, Marcus, P. A., Bridgewater, N.J., for Petitioner

BY THE BOARD¹:

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 January 14, 2011, WiMacTel, Inc. ("Petitioner" or "WiMacTel") filed a Petition with the New Jersey Board of Public Utilities ("Board") requesting authority to provide all forms of facilities-based competitive local exchange, exchange access and interexchange telecommunications services throughout the State of New Jersey.

WiMacTel is a privately owned company organized under the laws of the State of Delaware. QuorTech Equities, Ltd. is the principal owner and has 100% ownership interest in the company. Petitioner's principal offices are located at 1882 Porter Lake Drive, Suite 101, Sarasota, Florida 34240. Petitioner has submitted a copy of its Certificate of Incorporation from the State of Delaware and its New Jersey Certificate of Authority to operate as a Foreign Corporation.

Petitioner is authorized to provide local exchange and interexchange telecommunication services in Alabama, Florida, Idaho, Illinois, Kansas, Massachusetts, Montana, New Hampshire, New Mexico, New York, North Dakota, Oregon, South Carolina, Texas, Vermont, Washington, Wisconsin and Wyoming and its application is pending in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah and West Virginia. Petitioner is currently not providing any

¹ Commissioner Nicholas Asselta did not participate in this matter.

telecommunications services to customers in the above referenced states. Petitioner has recently started negotiation with Verizon New Jersey, Inc. to enter into an interconnection agreement for its entire region, including New Jersey. Petitioner will file a copy of said agreement upon completion with the Board.

Petitioner seeks authority to provide all forms of facilities-based competitive local exchange, exchange access and interexchange telecommunications services initially to business customers in exchange areas served by Verizon New Jersey, Inc. Petitioner may expand its service areas as market conditions warrant and as additional service areas become open to competition. Petitioner intends to provide local exchange services through the purchase of unbundled network elements as well as over its own facilities and facilities-based services through commercial agreements with either the incumbent local exchange carriers or 2nd tier certificated competitive local exchange carriers within the State of New Jersey. Petitioner's local exchange services include basic local, optional calling and listing services. Petitioner will offer these services in conjunction with its existing interexchange toll services which include inbound and outbound interexchange telecommunications services to business customers utilizing switched access facilities. Petitioner eventually will offer operator assisted services to its own customers. Petitioner states that its services will be available twenty-four hours per day, seven days per week. Petitioner plans to file a proposed tariff upon approval. Petitioner maintains a toll-free number for customer service inquiries.

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 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. In the interest of efficiency and to prevent undue burden, 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 Sarasota, Florida. Petitioner also states, upon written notice from the Board and/or Board Staff, it will provide its books and records at such time and place within New Jersey as the Board may designate.

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 WiMacTel's Petition and the information supplied in support thereof, 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 notes that the Petitioner will not be permitted to provide telecommunications services until a tariff is filed with the Board. Additionally, Petitioner is not relieved from its responsibility to file an Annual Report and a Statement of Gross Intrastate Revenues from Operations form for the preceding calendar year.

Furthermore, the Board FINDS that in accordance with N.J.S.A. 48:2-59 and 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 HEREBY ORDERS

- 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 1st 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 waivers 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 exemptions from maintaining its books and records in accordance with USOA and in New Jersey.

DATED: 5/16/11

BOARD OF PUBLIC UTILITIES
BY:



LEE A. SOLOMON
PRESIDENT



JEANNE M. FOX
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER

ATTEST:



KRISTI IZZO
SECRETARY

IN THE MATTER OF THE PETITION OF WIMACTEL, INC. FOR AUTHORITY
TO PROVIDE LOCAL EXCHANGE AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES
IN THE STATE OF NEW JERSEY

DOCKET NO. TE11010021

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