



**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 PETITION OF UNITED )  
FEDERAL DATA OF NEW JERSEY, LLC FOR ) ORDER  
AUTHORITY TO PROVIDE LOCAL EXCHANGE AND )  
INTEREXCHANGE TELECOMMUNICATIONS )  
SERVICES IN THE STATE OF NEW JERSEY ) DOCKET NO. TE13050372

**Parties of Record:**

**Christopher J. Reed, Esq.**, CGA Law Firm, York, Pennsylvania - for Petitioner  
**Stefanie A. Brand, Esq.**, Director, Division of Rate Counsel

**BY THE BOARD:**

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 April 26, 2013, United Federal Data of New Jersey, LLC ("Petitioner" or "UFDNJ LLC") filed a Verified Petition with the New Jersey Board of Public Utilities ("Board") requesting authority to provide both resold and facilities-based local exchange and interexchange telecommunications services throughout the State of New Jersey. Petitioner has submitted its financial information under seal and has filed 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.

UFDNJ LLC is a limited liability company organized under the laws of the Commonwealth of Pennsylvania and is a wholly owned subsidiary of United Fiber & Data, LLC ("UF&D LLC") formerly known as United Federal Data, LLC ("UFD LLC"). On September 13, 2012, The Board granted UFD LLC authority to provide both resold and facilities-based local exchange and interexchange telecommunications services throughout the State of New Jersey under Docket No. TE12070645. UFD LLC filed an Amendment to the Certificate of Organization on April 1, 2013, changing its legal name to UF&D LLC. Petitioner's principal offices are located at 210 York Street, Suite 200, York, Pennsylvania 17403.

Petitioner has submitted copies of its Certificate of Organization from the Commonwealth of Pennsylvania and its New Jersey Certificate of Authority to operate as a Foreign Limited Liability Company. Petitioner's affiliates are authorized to provide telecommunications services in the

State of Maryland, New York and Pennsylvania. 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 has not entered into an interconnection agreement with an Incumbent Local Exchange Carrier ("ILECs"); however, Petitioner may enter into such agreements with ILECs upon approval of its petition.

Petitioner seeks authority to provide both resold and facilities-based local exchange and interexchange telecommunications services to enterprises, small to medium-sized businesses, and carriers and wireless customers throughout the State of New Jersey. Petitioner's business plan includes providing collocation, virtual and data backup services as well as fiber solutions to its customers. It also includes developing and operating data centers, dark fiber and wireless tower networks, combining the strength of owned infrastructures and the ability to deliver highly accessible, fully redundant, back-up and recovery systems with the lowest possible latency. Petitioner's target customer markets/industries are Health Care Systems, Pharmaceutical Companies, Wireless Providers, College/Universities, Government, and other business industries requiring data and telecommunications services. Petitioner intends to design and construct a long-haul dark fiber network throughout the State of New Jersey. The expansion and delivery of services to particular regions is dependent upon business customers' demand.

Petitioner does not intend to engage in the immediate construction or acquisition of data centers initially, however, it does intend to install approximately two-hundred (200) fiber miles throughout the State of New Jersey. Petitioner's plan of expansion includes increasing the number of fiber miles as necessary to service existing and new clients' needs. Additionally, Petitioner intends to construct multiple data storage centers throughout the State of New Jersey, although those locations have not yet been identified. Petitioner is seeking to develop a long-haul dark fiber network throughout New Jersey targeting various business industries that require dark fiber and collocation services. Petitioner does not intend to provide any residential telecommunication services in the near future. 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 York, Pennsylvania. 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, UFDNJ LLC 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 UFDNJ LLC, are well qualified

to execute its business plans and have extensive managerial and technical experience in the telecommunications industry.

By letter dated May 8, 2013, 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 UFDNJ LLC’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 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.

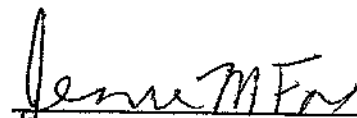
On or before February 1<sup>st</sup> of each year, the Petitioner will receive from the Division of Audits an annual report package and a statement of gross intrastate revenues from operations form for the preceding calendar year. The purpose of these documents is to report the Petitioner's financial 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: 7/19/13

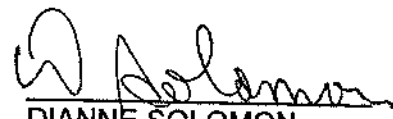
BOARD OF PUBLIC UTILITIES  
BY:

  
ROBERT M. HANNA  
PRESIDENT

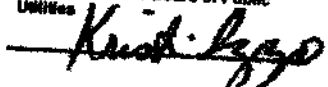
  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
MARY-ANNA HOLDEN  
COMMISSIONER

  
DIANNE SOLOMON  
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 UNITED FEDERAL DATA OF NEW  
JERSEY, LLC FOR AUTHORITY TO PROVIDE LOCAL EXCHANGE AND INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES IN THE  
STATE OF NEW JERSEY

DOCKET NO. TE13050372

SERVICE LIST

Christopher Lodge  
Chief Operating Officer and Regulatory  
Contact  
United Federal Data of New Jersey, LLC  
30 North Queen Street, 2<sup>nd</sup> & 3<sup>rd</sup> Floor  
Lancaster, Pennsylvania 17603

Christopher J. Reed, Esq.  
CGA Law Firm  
135 North George Street  
York, Pennsylvania 17401

Stefanie A. Brand, Esq., Director  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
Post Office Box 003  
Trenton, New Jersey 08625-003

Ayelet Hirschhorn, DAG  
Division of Law  
124 Halsey Street  
Post Office Box 45029  
Newark, New Jersey 07101-45029

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

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