



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

OFFICE OF CABLE TELEVISION
AND TELECOMMUNICATIONS

IN THE MATTER OF BROADBAND CENTRIC CORPORATION TO COMPLY WITH REGULATIONS REQUIRING THE FILING OF ITS ANNUAL REPORT, STATEMENT OF GROSS INTRASTATE REVENUE AND THE PAYMENT OF ITS ASSESSMENT) ORDER TO SHOW CAUSE)
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)
)
) DOCKET NO. TS18090978

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Stanley George, President, Broadband Centric Corporation

BY THE BOARD:

The New Jersey Board of Public Utilities ("Board"), an agency within a 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 ("AR") as of December 31st of each year, due on or before March 31st 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 August 25, 2006, Respondent, Broadband Centric Corporation ("Respondent" or "BCC"), filed a petition with the Board and was later granted authority to provide resold and facilities-based Unbundled Network Element (UNE) Local Exchange and Interexchange telecommunications services throughout New Jersey by Order dated October 12, 2006 in In the Matter of the Petition of Broadband Centric Corporation for Authority To Provide Local Exchange Telecommunications Services throughout the State of New Jersey, Docket No. TE06080615 ("2006 Order"). The 2006 Order required BCC, among other things, to comply with N.J.S.A. 48:2-16(2)(b), N.J.A.C. 14:3-6.3 and N.J.S.A. 48:2-62. Id. at 2-3.
- 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 185 Great Neck Road, Great Neck, NY 11201.
- 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") 2018 based on gross intrastate revenues for calendar year ("CY") 2016. Respondent was mailed the fiscal year 2018 Invoice No. 2383 in the amount of \$500.00 on January 18, 2018, which was due on February 17, 2018. This amount was based on the Gross Intrastate Revenue of \$687.00 which was reported on BCC-CY 2016 SGIR.
- 9) The Division of Audits Staff made numerous attempts by phone, e-mail and letter to contact BCC to advise BCC to file its AR and SGIR for CY 2017 and to pay its assessment of \$500.00 for FY 2018.
- 10) On August 29, 2018, Staff from the Office of Cable Television and Telecommunications notified Respondent by certified mail that it was in violation of N.J.S.A. 48:2-16(2)(b), N.J.A.C. 14:3-6.3, N.J.S.A. 48:2-62, N.J.S.A. 48:2-69 and N.J.S.A. 48:2-60. Respondent was advised that it was also in violation of N.J.S.A. 48:2-16.3 and is assessed a penalty of \$5.00 per day for non-compliance of the filing of its AR. The letter computed the penalty violation to August 31, 2018 for the total sum of \$765.00. The letter also notified respondent that non-compliance would prompt further Board action and could result in revocation of respondent's approval to provide local exchange telecommunications service in New Jersey. BCC did not respond to Staff's certified mail notice.
- 11) Respondent, in not filing an AR for CY 2017, is in violation of the statutes referenced above and is subject to a penalty of \$1,110.00 for failure to file its CY 2017 AR for 222 days and its \$500.00 minimum assessment, for a total of \$1,560.00 computed up to November 8, 2018.¹

The Board **HEREBY ORDERS:**

- 1) BCC to show cause before the Board why the Board should not find that Respondent: (i) failed to submit its Annual Report and SGIR to the Board; (ii) failed to pay its 2018 assessment; and (iii) failed to comply with the terms and conditions of the Board's 2006, Order.

¹ An additional penalty of 5.00 per day will accrue for each day after November 8, 2018 where the CY 2017 AR report is not filed.

- 2) BCC to show cause before the Board why the Board should not assess a monetary penalty of \$5.00 per day for Respondent's failure to file its CY 2017 AR, currently calculated at \$1,110.00 through November 8, 2018, but will continue to accrue up to the date of filing of the AR.
- 3) BCC to show cause before the Board why the Board should not revoke the authority granted to Respondent to provide telecommunications services throughout New Jersey in the 2006 Order, Docket No. TE06080615.
- 4) BCC 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 December 8, 2018. BCC can answer this Order to Show Cause by submitting its annual report and paying its \$500.00 assessment as well as a penalty in the amount of \$1,110.00.

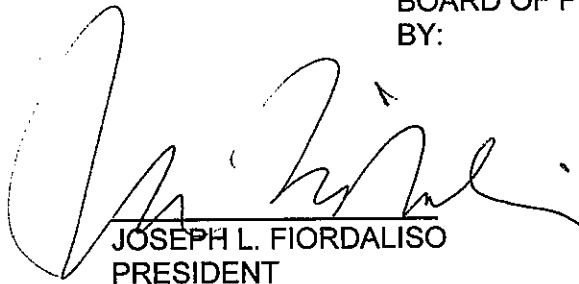
If BCC fails to respond to the within Order to Show Cause by December 8, 2018, then the authority granted to Respondent to provide telecommunications services throughout New Jersey in the 2006 Order, Docket No. TE06080615 shall be revoked by the Board.

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 November 8, 2018.

DATED: 10/29/18


BOARD OF PUBLIC UTILITIES
BY:




JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



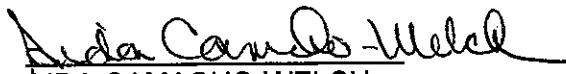
DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST: 
AIDA CAMACHO-WELCH
SECRETARY

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GROSS INTRASTATE REVENUE AND THE PAYMENT OF ITS ASSESSMENT

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