



Agenda Date: 6/07/10

Agenda Item: IVA

**STATE OF NEW JERSEY**

**Board of Public Utilities**

**Two Gateway Center**

**Newark, NJ 07102**

**[www.nj.gov/bpu/](http://www.nj.gov/bpu/)**

TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF LIGHT )  
TOWER FIBER LONG ISLAND LLC. FOR APPROVAL )  
OF A MUNICIPAL CONSENT PURSUANT TO N.J.S.A. )  
48:2-14 ) DOCKET NO. TE08080579

(SERVICE LIST ATTACHED)

Bradford Stern, Esq., Rothfelder Stern, Westfield, New Jersey, on behalf of Light Tower Fiber Long Island LLC., Petitioner

BY THE BOARD:

By verified petition filed pursuant to N.J.S.A. 48:2-14 on August 6, 2008, Light Tower Fiber Long Island LLC (Light Tower Fiber) predecessor in interest, KeySpan Communications Corp. (KCC) requested the Board of Public Utilities' (Board) approval of a municipal consent adopted by the Town of Secaucus (Town) (Docket No. TE08080579). Said consent grants Light Tower Fiber the continued right to install, maintain and operate its facilities in local rights-of-way in order to provide customers within the affected municipality with telecommunications services.

Light Tower Fiber is a public utility subject to the jurisdiction of the Board pursuant to the applicable provisions of Title 48 of the New Jersey statutes, and is authorized to provide telecommunications services in the State of New Jersey, including in the municipality noted above.

After appropriate notice, a hearing in this matter was held on March 30, 2010, at the Board's Newark offices before Carol Artale, Esq., the Board's duly designated Hearing Examiner.

At the hearing, Light Tower Fiber relied on the testimony of William Reidy, its Manager of Fiber Engineering. Mr. Reidy, whose duties include reviewing and negotiating consent renewals, such as the matter now pending, testified that the Board approved KCC's petition to provide facilities based intrastate telecommunications services in New Jersey in its Order issued, September 14, 2004, at Docket No. TE04020089. Thereafter, KCC was reconstituted as Light Tower Fiber when acquired in 2008 by a subsidiary of Light Tower Holdings, approval of which is found in the Board's Order, dated June 16, 2008, in Docket No. TM08040212. The consent provides KCC with the authority to use the public rights-of-way and designated areas for the purpose of locating, maintaining and operating its facilities, reasonably necessary in order that the company may provide its business and residential customers with proper and adequate telecommunications services. Light Tower Fiber, as KCC's successor in interest, sought Board

approval of the Town's Resolution. Mr. Reidy further testified that the consent provides protection to the affected municipality in that, among other things, the consent covers such topics as the location of poles and underground facilities, the use of facilities for police and fire protection purposes, as well as associated equipment and fixtures for Light Tower Fiber's local lines and through lines. In addition, the witness noted that Light Tower Fiber has agreed to comply with local ordinances for the purposes of street openings and restorations, and to provide indemnification for damages arising from any work performed by Light Tower Fiber.

In his testimony, the witness noted that the consent granted by the Town was silent as to the term. Light Tower Fiber and Rate Counsel recommended a 25 year term. Rate Counsel submitted comments on May 5, 2010, in support of the Light Tower Fiber filing.

Based on a review of the entire record, the Board HEREBY FINDS that said record reflects that Light Tower Fiber complies with all pertinent local ordinances, including those that pertain to street openings and restorations, and provides indemnification for damages arising from any work performed by the utility.

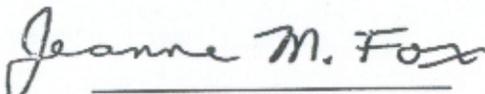
The Board FURTHER FINDS that the consent granted to Light Tower Fiber by the Town of Secaucus is reasonable, necessary and proper for the public convenience and properly conserves the public interests. Pursuant to its authority under N.J.S.A. 48:2-14, the Board will impose a term of 25 years to this consent as recommended by Light Tower Fiber and Rate Counsel.

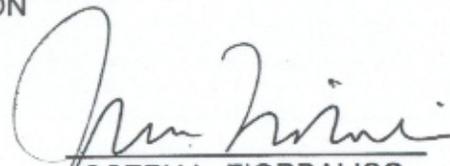
Therefore, based on the foregoing, the Board, pursuant to N.J.S.A. 48:2-14, HEREBY APPROVES the consent granted to Light Tower Fiber by the Town of Secaucus for a term of 25 years.

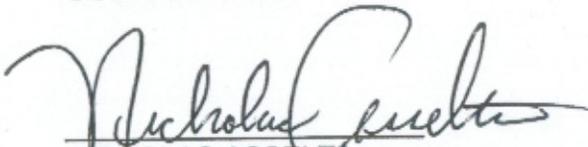
DATED: 6/7/10

BOARD OF PUBLIC UTILITIES  
BY:

  
LEE A. SOLOMON  
PRESIDENT

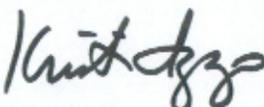
  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

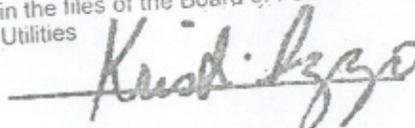
  
NICHOLAS ASSELTA  
COMMISSIONER

  
ELIZABETH RANDALL  
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



I/M/O THE PETITION OF LIGHT TOWER FIBER FOR APPROVAL OF A MUNICIPAL  
CONSENT PURSUANT TO N.J.S.A. 48:2-14  
DOCKET NO. TE08080579

SERVICE LIST

Bradford Stern, Esq.  
Rothfelder Stern, L.L.C.  
625 Central Avenue  
Westfield, New Jersey 07090

Majid Hasan  
Thomas Chu  
Division of Telecommunications  
Board of Public Utilities  
Two Gateway Center  
Newark, New Jersey 07102

Kenneth Sheehan, DAG  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

Jose Rivera-Benitez, Esq.  
Division of Rate Counsel  
31 Clinton Street  
P.O. Box 46005  
Newark, New Jersey 07101

Carol Artale, Esq.  
Board of Public Utilities  
2 Gateway Center  
Newark, New Jersey 07102