



Agenda Date: 9/30/14
Agenda Item: 4A

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 CITIBROADBAND WIRELESS,)
INC.'S FAILURE TO COMPLY WITH REGULATIONS)
REQUIRING PAYMENT OF AN ANNUAL)
ASSESSMENT) ORDER TO SHOW CAUSE
DOCKET NO. TS14080934

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 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 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 ("SGIR") from operations 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, CitiBroadband 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 CitiBroadband 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 2014 based on gross intrastate revenues for calendar year 2012. Since Respondent reported zero revenues, according to the applicable statutes, the minimum assessment amount of \$500.00 applies. Respondent was billed this amount on November 22, 2013 under invoice #2386 with follow-up reminders sent on January 28, 2014, March 6, 2014, March 31, 2014 and April 17, 2014, 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 fiscal year ("FY") 2014 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 November 22, 2013, Staff e-mailed Respondent's contact on January 28, 2014 and followed up with an e-mail on March 6, 2014. After failure of the Respondent to pay its assessment of \$500.00, a third and fourth request by e-mail was sent to Respondent's authorized contact on March 31 and April 17, 2014, respectively.
- 11) On August 4, 2014, Staff from the Division of Telecommunications notified Respondent that it was in violation of N.J.S.A. 48:2-69 and 48:2-60 and is required to pay \$500.00 for its FY 2014 assessment within 10 business days. 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) CitiBroadband 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) CitiBroadband 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 October 30, 2014.

If CitiBroadband Wireless, Inc fails to respond to the within Order to Show Cause by October 30, 2014, 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.

DATED: 9/30/14

BOARD OF PUBLIC UTILITIES
BY:


DIANNE SOLOMON
PRESIDENT

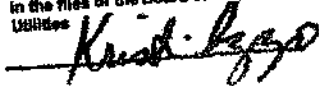

JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
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



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REGULATIONS REQUIRING PAYMENT OF AN ANNUAL ASSESSMENT
DOCKET NO. TS14080934

SERVICE LIST

Jesse Russell, CEO
Ingrid Mullins, Office Manager
CitiBroadband Wireless, Inc
25 James Way
Eatontown, NJ 07724
jerussell@incnetworks.com
imullins@incnetworks.com

Stefanie A. Brand, Esq., Director
Division of Rate Counsel
140 Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003
sbrand@rpa.state.nj.us

Alex Moreau
Deputy Attorney General
Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029
Alex.moreau@dol.lps.state.nj.us

John DeLuca, Acting Director
Chris Molner
Division of Telecommunications
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350
John.deluca@bpu.state.nj.us
Alan.molner@bpu.state.nj.us

Naren Ravaliya
Division of Audits
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350
Naren.ravaliya@bpu.state.nj.us