



NEW JERSEY BOARD OF PUBLIC UTILITIES

44 SOUTH CLINTON AVENUE, 9TH FLOOR,

POST OFFICE BOX 350

TRENTON, NEW JERSEY 08625-0350

**TO ALL PARTIES INTERESTED IN PROVIDING COMPETITIVE LOCAL EXCHANGE
CARRIER SERVICES IN THE STATE OF NEW JERSEY**

The following general guidelines are provided for informational purposes and are not intended to be all-inclusive of the requirements for every specific petition. These guidelines shall not be considered legal advice, which advice should be sought from a qualified attorney. Regardless of the contents of these guidelines, the Petitioner is solely responsible for meeting all applicable requirements of the Board, including those requirements that may not be included herein.

GENERAL GUIDELINES FOR FILINGS

Petitions, Initial Tariffs and Supplemental Filings

1. All petitions, tariff filings and supplemental submissions, including responses to Staff data requests, must be filed with the Secretary of the Board. A copy should be sent to the Division of Rate Counsel..
2. When filed by an attorney (including an attorney or general counsel employed in-house by the petitioner), the attorney must be a licensed New Jersey attorney, or the non-New Jersey attorney representing the petitioner must be admitted pro hac vice in New Jersey. See N.J.A.C. 14:1-3.2; R. 1:21-1 et seq. When not filed by an attorney, the petition should include evidence that the individual filing the

petition has authority to so act on behalf of the petitioner, pursuant to N.J.A.C. 14:1-3.1.

3. All pleadings initiating a proceeding or otherwise seeking affirmative relief (including petitions and supplemental filings and responses to data requests) must be verified pursuant to N.J.A.C. 14:1-4.6.
4. A filing fee in the amount of \$25.00 must be paid pursuant to N.J.S.A. 48:2-56 and N.J.A.C. 14:1-2.1.
5. Unless otherwise required by the Board, Petitioner shall file an original and ten (10) confirmed copies pursuant to N.J.A.C. 14:1-4.2.
6. A Petition for Authority must include the following
 - a. A Certificate of Incorporation from the state of origin. A petition may also include a Certificate of Good Standing from the state of incorporation, but it is not necessary;
 - b. a current Certificate of Authority to Do Business as a Foreign Corporation in New Jersey;
 - c. information sufficient to support an assertion that the applicant has financial qualifications. Such information may include SEC filings, annual reports, information about financings, etc.;
 - d. information sufficient to support an assertion that the applicant has managerial qualifications;
 - e. information sufficient to support an assertion that the applicant has technical qualifications. The following information should be included:
 - i. a full description of the technical aspects of the applicant's business plan;
 - ii. the location and description of the petitioner's facilities, if any, which the applicant will use to service New Jersey customers;
 - iii. a description of any plans to build, locate, acquire or expand facilities in New Jersey; and,
 - iv. any other information relevant to the pleading.
 - f. a complete description of the applicant's business plan in New Jersey;
 - g. the vitae of the applicant's key personnel;
 - h. a list of other jurisdictions where authority exists or is pending, including disclosure of whether authority has been denied or revoked in any jurisdiction;
 - i. a statement as to whether there are or have been civil or criminal proceedings against the applicant in any jurisdiction (including settlements of any such proceeding regardless of whether liability is or is not admitted);
 - j. information on whether the company has entered into, or plans to enter into an interconnection agreement with an Incumbent Local Exchange carrier;
 - k. information on the number of full time employees the petitioner has on the payroll to provide service to customers in New Jersey;
 - l. information on whether the Company maintains a toll free number in New Jersey;

- m. the completed Competitive Exchange Carrier Questionnaire located on the Board's Web site, www.nj.gov/bpu under the Division of Telecommunications.

7. Requests for waiver of Board rules

- a. Each waiver request must be expressly stated, not implied.
- b. All statutory and regulatory requirements must be complied with, and such compliance must be recited in the waiver request.
- c. To keep books and records outside of New Jersey, the petition must reference and comply with N.J.S.A. 48:3-7.8 and N.J.A.C. 14:1-5.15; these requirements include the following:
 - i. a complete description of the specific books, records, accounts, documents, and other writings proposed to be kept outside of New Jersey [N.J.A.C. 14:1-5.15(a)1];
 - ii. the exact location where the books and records will be kept [N.J.A.C. 14:1-5.15(a)2];
 - iii. what remaining records, if any, will be kept in New Jersey [N.J.A.C. 14:1-5.15(a)3];
 - iv. the reason for proposing to keep the books and records at a location outside the State [N.J.A.C. 14:1-5.15(a)4];
 - v. the costs to the petitioner of maintaining the books and records outside the State as compared to the cost of keeping books and records in New Jersey [N.J.A.C. 14:1-5.15(a)6 and 7];
 - vi. whether the books and records kept outside the state will be, on notice in writing from the Board, produced at such time and place within this State as the Board may designate [N.J.A.C. 14:1-5.15(a)8]; and,
 - vii. whether the petitioner will pay to the Board any reasonable expenses or charges incurred by the Board for any investigation or examination, if the Board grants said permission [N.J.A.C. 14:1-5.15(a)9].
- d. To maintain financial records according to GAAP rather than USOA, the petition must reference and comply with N.J.A.C. 14:1-4.3 and 14:10-1A.16, including the following:
 - i. the petition should state whether its records are maintained according to the USOA pursuant to 47 C.F.R. §32.1 et seq. [N.J.A.C. 14:10-1A.16];
 - ii. alternatively, if a waiver is requested, the petition should state that the FCC does not require that financial records comply with the USOA, or that the petitioner has received a waiver from such FCC requirements. A copy of the waiver should be provided.
- e. Good cause for any waiver must be provided to receive Board approval; i.e., the applicant must comply with N.J.A.C. 14:1-1.2(b).

8. Confidentiality of Documents:

- a. All requests for confidentiality of submitted information shall be in accordance with N.J.A.C. 14:1-12 et seq. and in compliance with the Open Public Record Act N.J.S.A. 47:1A-1 et seq.
- b. All requests for confidentiality of documents must be expressly requested. Mere stamps on a document are not sufficient to warrant confidential

treatment. Any submission of documents without an express request for confidential treatment is at the sole risk of the petitioner.

- c. Grants of confidentiality are generally limited to sensitive financial, marketing or technical information.

9. Initial tariff filings must comply with the following:

- a. N.J.A.C. 14:1-5.11, including, but not limited to, the following:
 - i. N.J.A.C. 14:1-4 et seq. and N.J.A.C. 14:10-5.1 through 5.6, to the extent applicable;
 - ii. four (4) copies of the proposed tariff; and
 - iii. pro forma income statements for each of the first two years of operations and actual or estimated balance sheets as of the beginning and end of each year of said two-year period [N.J.A.C. 14:1-5.11(a)5].
- b. the Board's customer-related sections of Title 48 of the New Jersey Statutes and the New Jersey Administrative Code.

10. Upon approval from the Board, the Petitioner is responsible for the following:

- a. Filing of an Annual Report and a Statement of Gross Intrastate Revenues from Operations Form to the Board.

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.

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.

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.

- b. Payment of Annual Assessment liability to the New Jersey Board of Public Utilities ("Board") and to the New Jersey Division of Rate Counsel.

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. These rules state that there is a provision of a minimum assessment of \$500.00.