



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

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| IN THE MATTER OF THE PETITION OF VERIZON |) | ORDER |
| NEW JERSEY INC. FOR APPROVAL OF MUNICIPAL |) | |
| CONSENTS PURSUANT TO <u>N.J.S.A. 48:2-14</u> |) | DOCKET NOS. TE15020179 |
| |) | THROUGH TE15020186 |
| |) | AND TE15030357 |

Parties of Record:

Sidney D. Weiss, Esq., on behalf of Verizon New Jersey Inc., Petitioner
Stefanie A. Brand, Esq., Director on behalf of the New Jersey Division of Rate Counsel

BY THE BOARD:¹

By verified petitions filed pursuant to N.J.S.A. 48:2-14 on February 9, 2015 and March 19, 2015 ("Petitions"), Verizon New Jersey Inc. ("Verizon" or "Petitioner") requested approval of the Board of Public Utilities ("Board") of consent ordinances adopted by (1) the Borough of Buena in Atlantic County (Docket No. TE15020179); (2) the Township of Chester in Morris County (Docket No. TE15020180); (3) the Township of Colts Neck in Monmouth County (Docket No. TE15020181); (4) the Township of Harding in Morris County (Docket No. TE15020182); (5) the Borough of Old Tappan in Bergen County (Docket No. TE15020183); (6) the Borough of South River in Middlesex County (Docket No. TE15020184); (7) the Township of Washington in Morris County (Docket No. TE15020185); (8) the Township of White in Warren County (Docket No. TE15020186); and (9) the City of Passaic in Passaic County (Docket No. TE15030357) (collectively, "Consent Ordinances" or "Ordinances"). These 9 Consent Ordinances grant Verizon the continued right to install, maintain and operate its facilities in local rights-of-way in order to provide customers within the affected municipalities with telecommunications services.

Verizon 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 municipalities noted above.

¹ Commissioner Upendra J. Chivukula recused himself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

After appropriate notice, a hearing in these matters was held on April 22, 2015, at the Board's offices in Trenton before William P. Agee, Esq., the Board's duly designated Hearing Examiner.

At the hearing, Verizon entered into the record a Stipulation dated April 22, 2015 between Petitioner and the New Jersey Division of Rate Counsel ("Rate Counsel") (collectively, "Parties"). The Parties stipulated in the Stipulation that all nine Consent Ordinances referred to in the Petitions were properly and lawfully adopted by the Municipalities. It was further stipulated that the terms of duration for the Consent Ordinances vary from five to fifty years, with no Ordinances for an indefinite or perpetual term of years.

According to the Stipulation, the Ordinances are essentially similar in substance to the Ordinances adopted by other municipalities and counties throughout the State that have been accepted by the Petitioner and approved by the Board in prior proceedings similar to this in which Rate Counsel has participated. It was also stipulated that the referenced Ordinances do not confer any exclusive rights to Petitioner for use of the public rights-of-way and that the approval of the Ordinances will not result in any increase in rates or charges for the services performed by the Petitioner.

At the hearing, Verizon relied on the testimony of Mark Bocchieri, the Director of External Affairs for Verizon New Jersey. Mr. Bocchieri testified that he is a liaison for Municipal, County and State government officials. He testified that the provisions of the Ordinances are reasonably necessary for Petitioner to provide telecommunication services to residents and businesses in the nine subject municipalities and that approval of the Petitions would serve and promote the public interest.

Based on a review of the entire record, the Board **HEREBY FINDS** that said record reflects that Verizon 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 record further reflects that Verizon pays real and personal property taxes to the affected municipalities as well as all reasonable fees charged by those governmental entities for related work, such as engineering reviews, associated with Verizon's activities.

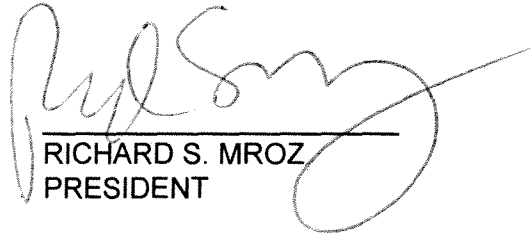
The Board **FURTHER FINDS** that the consents granted to Verizon New Jersey by (1) the Borough of Buena in Atlantic County (Docket No. TE15020179); (2) the Township of Chester in Morris County (Docket No. TE15020180); (3) the Township of Colts Neck in Monmouth County (Docket No. TE15020181); (4) the Township of Harding in Morris County (Docket No. TE15020182); (5) the Borough of Old Tappan in Bergen County (Docket No. TE15020183); (6) the Borough of South River in Middlesex County (Docket No. TE15020184); (7) the Township of Washington in Morris County (Docket No. TE15020185); (8) the Township of White in Warren County (Docket No. TE15020186); and (9) the City of Passaic in Passaic County (Docket No. TE15030357) are reasonable and are necessary and proper for the public convenience and properly conserve the public interests.

Therefore, the Board, pursuant to N.J.S.A. 48:2-14, **HEREBY APPROVES** the above-referenced municipal consents granted to Verizon New Jersey by the nine municipalities.

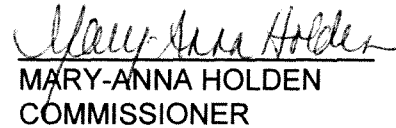
This order shall be effective November 26, 2015.

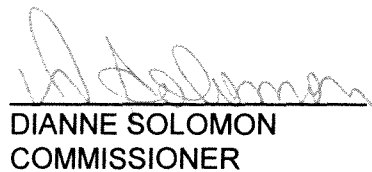
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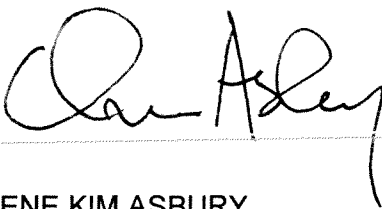
BOARD OF PUBLIC UTILITIES
BY:


RICHARD S. MROZ
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER

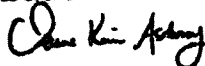

MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER

ATTEST: 

IRENE KIM ASBURY
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 VERIZON NEW JERSEY INC. FOR APPROVAL OF MUNICIPAL
CONSENTS PURSUANT TO N.J.S.A. 48:2-14
DOCKET NOS. TE15020179 THROUGH TE15020186; AND TE15030357

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**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

IN THE MATTER OF THE PETITION
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FOR APPROVAL OF MUNICIPAL
CONSENTS PURSUANT TO N.J.S.A. 48:2-14

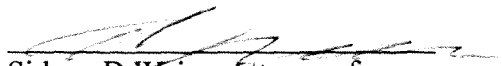
**BPU Docket Nos. TE15020179
through TE15020186; TE15030357**

STIPULATION

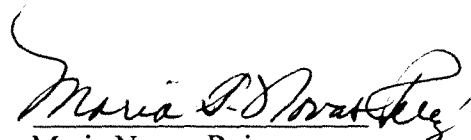
Petitioner, Verizon New Jersey Inc and the Division of Rate Counsel hereby stipulate to the following and request that this Stipulation be entered into evidence at the hearing on April 22, 2015:

1. All nine (9) Ordinances referred to in the Petitions in these matters were properly and lawfully adopted by the enacting municipalities.
2. The ordinance are for the terms (durations) set forth in Schedule "A" annexed hereto and made part hereof.
3. All of the Ordinances are essentially similar in substance to ordinance adopted by other municipalities and counties throughout the State which have been accepted by Petitioner and approved by the Board in prior proceedings similar to this in which Rate Counsel has participated. All provisions of the Ordinance are substantively identical to provisions that have been previously accepted by Petitioner and approved by the Board in such proceedings.
4. Notice of the hearing scheduled for April 22, 2015 has been served on the ~~respective clerks of the affected municipalities, the clerks of the Board of Freeholders of the Counties in which such municipalities are located and County Executives as required by law.~~ An Affidavit of Service certifying such notice has been filed with the Board.
5. Petitioner pays real property taxes and business personal property taxes to the municipalities as set forth on Schedule "B" annexed hereto and made part hereof. Petitioner also makes payments for street opening permits, inspection and engineering fees and for police traffic control for work performed in the public rights-of-way.
6. The Ordinances do not confer any exclusive rights to Petitioner for use of the ~~public rights of way; and approval of the Ordinances will not result in any increase in rates or charges for services provided by Petitioner.~~

7. The Ordinances permit other parties having a lawful right to place their facilities in the public rights-of-way to jointly use Petitioner's poles and other structures for lawful purposes. Petitioner does not permit such joint use of its poles and structures without evidence that such parties have municipal consent or other lawful right to use the public rights-of-way as required by N.J.S.A. 48: 3-19.



Sidney D. Weiss, Attorney for
Petitioner



Maria Novas-Ruiz.
Assistant Deputy Rate Counsel

Dated: April 22, 2015

SCHEDULE "A"

The ordinances are for the following terms (durations).

- (1) Borough of Buena: 50 years
- (2) Township of Chester: 5 years
- (3) Township of Colts Neck: 10 years
- (4) Township of Harding: 10 years
- (5) Borough of Old Tappan: 20 years
- (6) Borough of South River: 50 years
- (7) Township of Washington: 20 years
- (8) Township of White: 10 years
- (9) City of Passaic: 20 years

None of the ordinances are for an indefinite or perpetual term of years.

SCHEDULE "B"

| Verizon NJ 2013/2014 | | | | |
|---|------------|------------|------------|------------|
| Personal Property Tax (PPT) and Real Estate Tax (RET) | | | | |
| City/County | PPT 2013 | PPT 2014 | RET 2013 | RET 2014 |
| Borough of Buena (Atlantic County) | \$ 35,317 | \$ 29,679 | \$ 12,885 | \$ 12,815 |
| Tp of Chester (Morris County) | \$ 10,027 | \$ 8,543 | \$ - | \$ - |
| Tp of Colts Neck (Monmouth County) | \$ 60,248 | \$ 51,957 | \$ 4,803 | \$ 5,008 |
| Tp of Harding (Morris County) | \$ 23,329 | \$ 12,639 | \$ 15,153 | \$ 22,676 |
| Borough of Old Tappan (Bergen County) | \$ 23,565 | \$ 21,643 | \$ - | \$ - |
| Borough of South River (Middlesex County) | \$ 19,879 | \$ 14,116 | \$ - | \$ - |
| Tp of Washington (Morris County) | \$ 32,197 | \$ 22,096 | | \$ - |
| Tp of White (Warren County) | \$ - | \$ - | \$ - | \$ - |
| City of Passaic (Passaic County) | \$ 425,214 | \$ 432,249 | \$ 206,073 | \$ 209,482 |