



Agenda Date: 03/17/10
Agenda Item: IVC

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

TELECOMMUNICATIONS

IN THE MATTER OF JOINT VERIFIED PETITION OF)
NETCARRIER TELECOM, INC. AND SNIIP LINK, L.L.C.)
FOR APPROVAL OF A SALE OF ASSETS AND)
TRANSFER OF CUSTOMERS)

ORDER OF APPROVAL
DOCKET NO. TM10020104

(SERVICE LIST ATTACHED)

James H. Lasky, Esq., Norris, McLaughlin & Marcus, P.A., for Petitioners

BY THE BOARD:

On February 3, 2010, Netcarrier Telecom, Inc. ("Netcarrier" or "Purchaser") and SNIIP LINK, L.L.C. ("SNIIP") (collectively "Petitioners") and pursuant to N.J.S.A. 48:3-7, filed a petition with the Board of Public Utilities ("Board") requesting approval to consummate a transaction involving the transfer of certain assets, customers, customer contracts, customer deposits and associated customer account information (the "Assets") from SNIIP to Netcarrier ("Transaction"). Netcarrier, SNIIP and for limited purposes the principal members of SNIIP entered into an Asset Purchase Agreement as of February 1, 2010 ("Agreement"), under which Netcarrier will purchase the Assets, which are used in connection with SNIIP's local and long distance voice and data services in New Jersey and elsewhere. Upon completion of the transaction, Netcarrier will provide telecommunications services to all of the customers of SNIIP at the same rates, terms, and conditions that they currently receive and after the migration of customers to Netcarrier, SNIIP will surrender its authorization in New Jersey by a separate filing.

BACKGROUND

SNIIP is a privately held New Jersey limited liability company located at 100-A Twinbridge Drive, Pennsauken, New Jersey 08110. SNIIP is a competitive carrier authorized to provide traditional local and long distance services. In New Jersey, SNIIP provides these services to both residential and commercial customers, the latter being primarily small and medium-sized businesses.

Netcarrier is a privately-held corporation organized under the laws of the Commonwealth of Pennsylvania. Netcarrier's principal business address is located at 4000 N. Cannon Avenue,

Lansdale, Pennsylvania 19446. Netcarrier was founded in 2000 as a full-service telecommunications company. Netcarrier currently provides local exchange, domestic and international interexchange, exchange access, and advanced data and Internet services to customers in New Jersey, Delaware and Pennsylvania. Upon review of Netcarrier's qualifications, the Board authorized Netcarrier to provide these services in New Jersey beginning in 2001. See Order, I/M/O Netcarrier Telecom Petition for Authority, Docket No. TE00110905 (July 13, 2001).

Netcarrier asserts that its management team includes individuals with substantive experience in successfully developing and operating telecommunications business, and Netcarrier has the adequate internal technical resources to support its operations in New Jersey. Moreover, Netcarrier has a toll-free number available for its customers to contact the company with billing and service-related issues.

DISCUSSION

Upon consummation of the Transaction pursuant to the Agreement, SNiP will continue to exist as a company having no relationship to Netcarrier. The petition states that after the completion of all transitional steps, SNiP will no longer offer telecommunications services in New Jersey and will surrender its authorization in a separate filing. According to the petition, Netcarrier will serve SNiP's customers through existing and new product offerings and will file any necessary tariff revisions to maintain SNiP's current tariffed service offerings under the name of Netcarrier. Petitioners emphasize that the transfer of customers to Netcarrier will have no adverse impact on those customers. The affected customers will continue to receive their existing services at the same rates, terms, and conditions that they have prior to the transfer.

Along with this filing, as required by N.J.A.C. 14:10-12, Petitioners submitted its mass migration application pursuant to the Board's mass migration rules. Petitioners note that the customers will receive the required notifications consistent with the requirements in N.J.A.C. 14:10-12.3. Netcarrier will acquire all of the existing customers of SNiP, with the exception of those that choose a different service provider.

By letter dated February 9, 2010, the Division of Rate Counsel advised the Board that it recommended approval of the petition.

FINDINGS AND CONCLUSIONS

After careful review of this matter, the Board FINDS that the transaction will have no negative impact on competition or on the rates of current customers. The Board also FINDS that the transfer will have no negative impact on the provision of safe, adequate and proper service, and moreover, a positive benefit may be expected from the introduction of new product offerings. Therefore, the Board, after investigation, having considered the record and exhibits submitted in this proceeding, FINDS that the transaction is in accordance with the law and in the public interest.

The Board further FINDS that the Petitioners' mass migration application filed with the Board is in compliance with the mass migration rules provided in N.J.A.C. 14:10-12.1 et seq. The Board HEREBY ORDERS that Petitioners shall notify the Board of the closing of the proposed transaction within ten (10) days of consummation of the transfer. The Board FURTHER

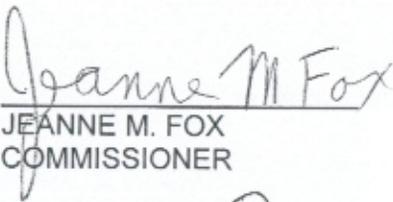
ORDERS that the approval in this Order shall become null and void and of no effect to the extent it has not been exercised prior to March 30, 2011.

DATED: 3/17/10

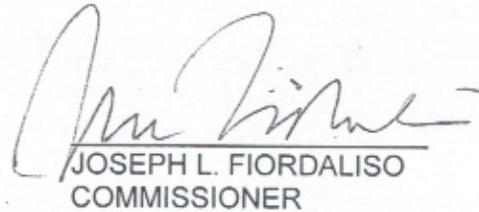
BOARD OF PUBLIC UTILITIES
BY:



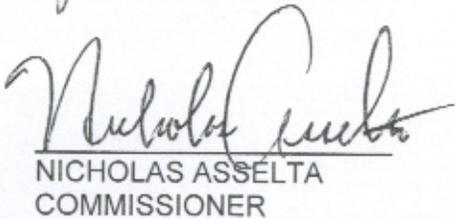
LEE A. SOLOMON
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JEANNE M. FOX
COMMISSIONER



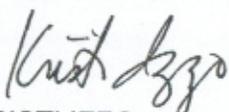
JOSEPH L. FIORDALISO
COMMISSIONER



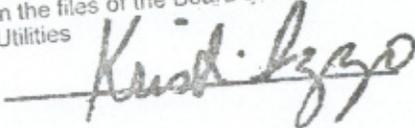
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COMMISSIONER



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



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Docket No. TM10020104

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