



Agenda Date: 6/07/10  
Agenda Item: IVB

**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 PETITIONS OF NEW ) DECISION AND ORDER  
JERSEY DATANET TELECOM, LLC FOR APPROVAL )  
OF MUNICIPAL CONSENTS PURSUANT TO N.J.S.A. ) Docket Nos. TE08080600,  
48:2-14 ) TE08080601, TE08080602,  
 ) TE08080603, TE08080604

(SERVICE LIST ATTACHED)

Bradford M. Stern, Esq., Rothfelder Stern, Westfield, New Jersey, on behalf of New Jersey  
DataNet Telecom, LLC., Petitioner

BY THE BOARD:

By verified petitions filed pursuant to N.J.S.A. 48:2-14 on August 20, 2008, New Jersey DataNet Telecom, LLC (DataNet or Company) requested the Board of Public Utilities' (Board) approval of municipal consents adopted by the Borough of Paramus, Bergen County, (Docket No. TE08080600), County of Passaic, (Docket No. TE08080601), Washington Township, Bergen County, (Docket No. TE08080602), Borough of Teterboro, Bergen County, (Docket No. TE08080603), and Borough of Westwood, Bergen County, (Docket No. TE08080604). Said consents grant DataNet 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.

DataNet 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. DataNet is authorized by the Board to provide competitive, facilities-based local exchange services and interexchange telecommunications services throughout the State of New Jersey pursuant to the Board's Order issued at Docket No. TE04111435 (February 1, 2005).

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, DataNet relied on the testimony of William Reidy, its Manager of Fiber Engineering. Mr. Reidy's duties include reviewing and negotiating consent ordinance renewals such as the matters now pending.

The applicable consents provide DataNet with the authority to use the public rights-of-way and designated areas for the purpose of locating, maintaining and operating its facilities, and are reasonably necessary in order that the Company may provide its business and residential

customers with proper and adequate telecommunications services. Mr. Reidy further testified that the consents provide protection to the affected municipalities in that, among other things, said consents cover 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 DataNet's local lines and through lines. In addition, the witness noted that DataNet 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 DataNet.

The record reflects that the consents granted to the Company are as follows: (1) Borough of Paramus, 15 years, (2) Borough of Washington, 10 years with one automatic renewal of five years, (3) Borough of Teterboro, 5 years with 3 automatic 5 year renewals, (4) Borough of Westwood, 10 years with 3 automatic 5 year renewals. With respect to the consent granted by the County of Passaic which was silent as to the term of the consent, DataNet and Rate Counsel suggested that the Board set a term of 25 years.

Based on a review of the entire record, the Board HEREBY FINDS that said record reflects that DataNet 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. Rate Counsel submitted comments on May 5, 2010, in support of the DataNet filings.

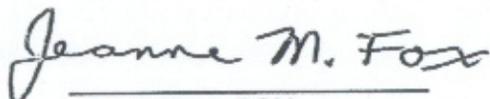
The Board FURTHER FINDS that the consents granted to DataNet are reasonable, necessary and proper for the public convenience and properly conserve the public interest. Pursuant to its authority under N.J.S.A. 48:2-14, the Board will impose a term of 25 years to the County of Passaic's consent as recommended by DataNet and Rate Counsel.

Therefore, the Board, based upon the foregoing, pursuant to N.J.S.A. 48:2-14, HEREBY APPROVES the consents granted to DataNet by the Borough of Paramus, County of Passaic, Washington Township, Borough of Teterboro, and Borough of Westwood.

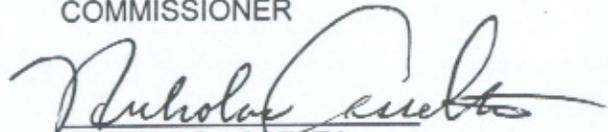
DATED: 6/7/10

BOARD OF PUBLIC UTILITIES  
BY:

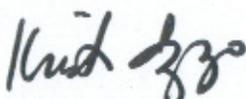
  
LEE A. SOLOMON  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

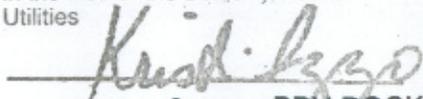
  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
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

  
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I/M/O THE PETITION OF DATANET FOR APPROVAL OF MUNICIPAL CONSENTS  
PURSUANT TO N.J.S.A. 48:2-14  
DOCKET NO. TE08080600 through TE08080604

SERVICE LIST

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

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

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