



Agenda Date: 08/1/07  
Agenda Item: IV C

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**www.bpu.state.nj.us**

TELECOMMUNICATIONS

DECISION AND ORDER

IN THE MATTER OF THE PETITIONS OF )  
NEW JERSEY DATANET TELECOM, LLC ) DOCKET NOS. TE07030225 through  
FOR APPROVAL OF LOCAL CONSENTS ) TE07030237  
PURSUANT TO N.J.S.A. 48:2-14 )

(SERVICE LIST ATTACHED)

BY THE BOARD:

By verified petitions filed with the Board of Public Utilities (Board) pursuant to N.J.S.A. 48:2-14 on March 30, 2007, New Jersey DataNet Telecom, LLC (DataNet or Company) requested approval of consent resolutions adopted by the County of Bergen (County) and 12 individual municipalities located in the County. The affected municipalities are set forth on Schedule A, which is attached hereto and made a part hereof.

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 the County and the municipalities listed on the attached Schedule A.

After appropriate notice, a hearing in these matters was held on May 31, 2007, at the Board's Newark offices before Edward D. Beslow, Esq., the Board's duly designated Hearing Examiner. At hearing, DataNet relied on the testimony of William Reidy, its Director of Outside Plant Engineering. Mr. Reidy stated that, where feasible economically and technically, DataNet installs facilities, consisting of fiber optic cable, in order to provide high speed, high reliability data transmission and connectivity services to its customers which are typically large businesses, educational, institutional and governmental entities as well as other telecommunications carriers. He noted that the Company neither presently provides nor intends to provide residential telecommunications services or cable television services.

Mr. Reidy testified that DataNet had targeted Bergen County for its initial installation of facilities, and that the Company had entered into pole attachment, joint use or similar agreements with

Verizon New Jersey Inc., Public Service Electric and Gas Company, and Rockland Electric Company. These agreements permit DataNet to attach its cables to the poles owned by the utilities or to utilize their underground conduits. In those instances where both poles and conduits are available, the witness indicated that the Company prefers the use of the poles as the placement of the facilities underground presents a greater number of technical problems. In addition, Mr. Reidy stated that over a period of time ranging from three months to two years, the Company requested, negotiated for and received the consent of Bergen County and the various municipalities listed on Schedule A for the use of public rights-of-way under the control and management of the County and the individual municipalities for the term of years indicated.

By letter dated June 18, 2007, the Division of Rate Counsel informed the Board that it had no objection to the approval of the Company's applications.

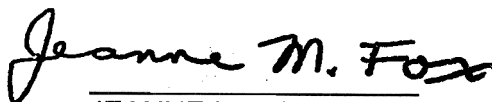
Based on a review of the entire record, the Board HEREBY FINDS that the consents granted to New Jersey DataNet Telecom, LLC by Bergen County and the individual municipalities listed on Schedule A, attached hereto, are reasonable and are necessary and proper for the public convenience, and properly conserve the public interests.

Therefore, the Board, pursuant to N.J.S.A. 48:2-14, HEREBY APPROVES the consents granted to New Jersey DataNet Telecom, LLC by Bergen County and the municipalities set forth on Schedule A.

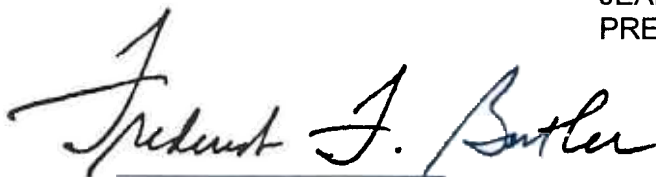
DATED:

8/1/07

BOARD OF PUBLIC UTILITIES  
BY:



JEANNE M. FOX  
PRESIDENT



FREDERICK F. BUTLER  
COMMISSIONER



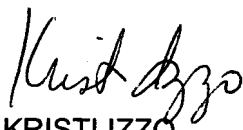
JOSEPH L. FIORDALISO  
COMMISSIONER



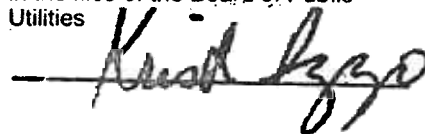
CHRISTINE V. BATOR  
COMMISSIONER

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities

ATTEST:



KRISTI IZZO  
SECRETARY



## SCHEDULE A

	COUNTY/MUNICIPALITY	DOCKET NUMBER	INITIAL TERM (YEARS)
1.	Borough of Woodcliff Lake	TE07030225	15
2.	County of Bergen	TE07030226	10
3.	Borough of Franklin Lakes	TE07030227	15
4.	Borough of Northvale	TE07030228	10
5.	Borough of Montvale	TE07030229	10
6.	Borough of Closter	TE07030230	15
7.	Township of Mahwah	TE07030231	5
8.	Borough of Ramsey	TE07030232	5
9.	Borough of Teterboro	TE07030233	5
10.	Borough of Little Ferry	TE07030234	15
11.	Borough of Allendale	TE07030235	5
12.	Village of Ridgewood	TE07030236	5
13.	Borough of Norwood	TE07030237	15

**I/M/O the Petition of New Jersey DataNet Telecom, LLC for  
Approval of Various Local Consents Pursuant to N.J.S.A. 48:2-14**

**BPU Docket Nos. TE07030225 through TE07030237**

**SERVICE LIST**

Bradford M. Stern, Esq.  
Rothfelder Stern, LLC  
625 Central Avenue  
Westfield, New Jersey 07090

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

Jose Rivera-Benitez, Esq.  
Assistant Deputy Ratepayer Advocate  
Division of Rate Counsel  
31 Clinton Street  
P.O. Box 46005  
Newark, New Jersey 07101

Babette Tenzer, Esq.  
Department of Law & Public Safety  
124 Halsey Street, 5<sup>th</sup> Floor  
Newark, New Jersey 07102