



Agenda Date: 11/22/13
Agenda Items: III E

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/

CABLE TELEVISION

IN THE MATTER OF VERIZON NEW JERSEY, INC.)	ORDER
PETITION FOR RENEWAL OF WAIVER OF THE NEW)	
JERSEY ADMINISTRATIVE CODE, <u>N.J.A.C. 14:18-7.7</u>)	
(C) REGULATION PERTAINING TO TELEPHONE)	
PERFORMANCE REPORTS)	DOCKET NO. CW12060479

Party of Record:

William D. Smith, Esq., Assistant General Counsel, for Petitioner

BY THE BOARD:

On August 13, 2013, Verizon New Jersey, Inc. ("Verizon" or "the company") filed a petition seeking Board approval for renewal of the waiver granted by the Board by Order dated August 15, 2012 ("2012 Order") in the above-indicated docket¹. Verizon asserts that in that Order, the Board found it appropriate to grant Verizon a waiver from the requirement in N.J.A.C. 14:18-7.7(c) to submit telephone system performance reports to the Office of Cable Television ("Office") "within 10 days after the end of the [sic] each quarter and approved the company's request to extend the deadline to 15 days following the end [sic] each quarter." Petition at 1.

¹ On June 1, 2012, Verizon filed a waiver request in Docket No. CW12060479 seeking a permanent 5 day extension of the filing requirement in N.J.A.C. 14:18-7.7(c) whereby the company is obligated to file its quarterly telephone system performance reports with the Office of Cable Television within 10 days of the end of the month for which the report is filed. Pursuant to the provisions of N.J.A.C. 14:18-7.7(g), the Board by Order dated August 15, 2012 granted Verizon the requested waiver for a one year period. As also provided in the rule, Verizon seeks a renewal of the waiver.

Although N.J.A.C. 14:18-7.7(c) in part actually requires the cable television operator to file the information "within 10 days of the end of the quarter for which the report is filed," the Board in the 2012 Order approved Verizon's "request for a waiver for one year of the requirement in N.J.A.C. 14:18-7.7(c) to submit telephone system performance reports to [the Office] within fifteen (15) days of the end of the month for which the report is filed." Id. at 2. But the Order also noted: "Specifically, Verizon requests a permanent extension of five (5) days to fifteen (15) days following each quarter." Id. at 1. Thus, if any clarification is needed, the Board's intent was to grant Verizon a waiver, for one year, of N.J.A.C. 14:18-7.7(c), thereby allowing Verizon to file the report within fifteen (15) days of the end of the quarter for which the report is filed.

As to Verizon's current petition, it contends that the same circumstances that caused the company to seek the initial waiver continue to exist today. Specifically, Verizon's call center data is not finalized until the close of business on the fifth business day following the end of the quarter. This, according to Verizon, allows the company only one day to pull the data, perform a thorough validation of the data and produce the report for filing. In addition, holidays which fall within the data processing time period, such as New Year's Day and Independence Day, further reduce the time the company has available to perform these activities to a mere few hours.

Verizon contends that if it is discovered through the validation process that changes or restatements must be made to the data, these changes would require overnight processing, which is not feasible when a holiday falls within the timeline. Granting Verizon a five (5) day extension for filing these reports will allow for more time to ensure accurate reporting.

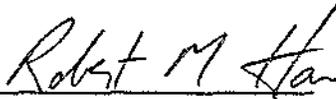
Verizon further contends that the Board's relocation from Newark to Trenton has required the company to produce the reports one day earlier in order to send them to the Board via overnight mail so that they arrive by the due date. Pursuant to N.J.S.A. 48:5A-10.1, electronic filing of documents by cable companies will be available effective January 1, 2014. Once electronic filing is available, Verizon contends it will be able to file the quarterly reports fourteen (14) days following the end of each quarter.

Pursuant to N.J.A.C. 14:18-7.7(g), a cable television operator may seek a waiver of the reporting requirements from the Director, for a period of up to one year. In considering such requests, the Director shall consider factors such as the size of the system, the burden on the cable television operator for providing the information, the capability of the cable television operator's telephone system and the nature and type of alternative information the cable television operator intends to provide. Any such waivers will be for periods of up to one year and are renewable.

The Board has reviewed this matter and **HEREBY FINDS** that the renewal of the waiver is appropriate under the present circumstances. Therefore, the Board **HEREBY APPROVES** the Petitioner's request for a waiver for one year of the requirement in N.J.A.C. 14:18-7.7(c) to submit telephone system performance reports to the Office and, therefore, the report shall be filed within fifteen (15) days of the end of the quarter for which the report is filed. This Order shall become effective upon service in accordance with N.J.S.A. 48:2-40.

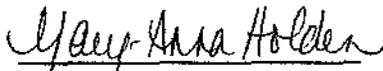
DATED: 11/22/13

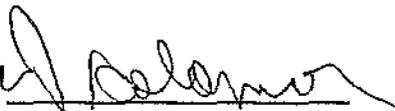
BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

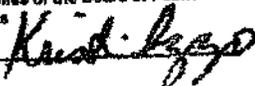

MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
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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WAIVER OF THE NEW JERSEY ADMINISTRATIVE CODE, N.J.A.C. 14:18-7.7 (C)
REGULATION PERTAINING TO TELEPHONE PERFORMANCE REPORTS**

DOCKET NO. CW12060479

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