



Agenda Date: 9/25/25

Agenda Item: IA

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

DIVISION OF AUDITS AND
OFFICE OF CABLE
TELEVISION AND
TELECOMMUNICATIONS

IN THE MATTER OF PETITION OF FIBER ASSETCO)
LLC FOR AUTHORIZATION TO PROVIDE)
FACILITIES-BASED AND RESOLD LOCAL)
EXCHANGE AND INTEREXCHANGE SERVICES,)
AND FACILITIES-BASED DEDICATED AND) DOCKET NO. TE25050308
PRIVATE LINE COMMUNICATIONS THROUGHOUT)
THE STATE OF NEW JERSEY)

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Joshua M. Bobeck, Esq., Attorney for Fiber AssetCo LLC

BY THE BOARD:

On May 29, 2025, Fiber AssetCo LLC ("Petitioner") filed a verified petition with the New Jersey Board of Public Utilities ("Board") pursuant to the New Jersey Telecommunications Act of 1992, N.J.S.A. 48:2-21.16 et seq. ("1992 Act"), and the Federal Telecommunications Act of 1996, Pub. L. No. 104-104, 1110 Stat. 56 (1996) ("Federal Act"), seeking authorization to provide facilities-based and resold local exchange and interexchange services, and facilities-based dedicated and private line communications throughout the State of New Jersey ("Petition"). The Petitioner additionally sought a waiver of N.J.A.C. 14:10-1A.13, which requires financial material to comply with the Uniform System of Accounts ("USOA"), and of N.J.A.C. 14:1-5.15(a), pertaining to the requirement under N.J.S.A. 48:3-7.8 that all books and records incident to Petitioner's operations be maintained in the State of New Jersey. By this Order, the Board considers the Petition.

BACKGROUND

Petitioner is a Delaware limited liability company with a principal place of business at 8020 Katy Freeway, Houston, TX 77024. Petitioner's sole member is Fiber NewCo LLC, a Delaware limited liability company, whose sole member is Crown Castle Fiber LLC ("CCF"). CCF is an indirect, wholly owned subsidiary of Crown Castle Inc. ("CCI"), a publicly traded corporation that is

incorporated under the laws of the State of Delaware.¹ According to the Petition, Petitioner has pending applications for authorization, or intends to seek authorization, to provide intrastate telecommunications services in the District of Columbia and every state, except Alaska. Neither Petitioner nor any of its affiliates have been denied requested certification in any jurisdiction, nor have any permit, license, or certificate been permanently revoked by any authority. Petitioner is not, nor has it ever been, the subject of any civil or criminal proceedings in any jurisdiction.

Petitioner represented that it possesses sufficient financial, managerial, and technical resources and abilities to provide competitive telecommunications services in the State of New Jersey. Petitioner has sufficient financial resources to initiate and maintain services and related operations in New Jersey. Petitioner does not maintain financial statements separate from the consolidated financial statements of CCI, its ultimate parent company. Therefore, Petitioner relies on the financial statements of CCI to demonstrate its financial qualification to operate within New Jersey. In addition, Petitioner stated that the requested authorization is in the public interest because it would enhance competition and expand customer choice. In addition, permitting Petitioner to enter the market will result in technological and diverse telecommunications infrastructure, increased service quality, and competitively priced services.

In addition to this Petition, a petition was concurrently filed to obtain Board approval for the transfer of certain fiber assets and customers from CCF to Petitioner and for the transfer of control of Petitioner to Fiber FinCo LLC.²

Petitioner seeks authority to provide facilities-based and resold local exchange and interexchange services, and facilities-based dedicated and private line communications services throughout New Jersey. Petitioner indicated that it plans to provide primarily facilities-based Private Line services, including Ethernet and Wavelength, as well as SONET, Dark Fiber, Dedicated Internet Access and Collocation services to wholesale customers (e.g., other carriers) and customers in government, health care, education, financial services, and other enterprises should the market warrant such services. Further Petitioner will offer its services on a non-discriminatory basis and at competitive rates through individual case basis contracts. Although Petitioner does not currently intend to furnish switched voice services or dial tone, Petitioner seeks authority to do so should future market conditions warrant. Petitioner maintains a toll-free number for customer services.

Petitioner sought a waiver of N.J.A.C. 14:10-1A.13, to the extent such regulation would require Petitioner's financial material to comply with the USOA. Petitioner submitted that the Board will have a reliable means by which to evaluate Petitioner's operations and assess its financial fitness with records kept in accordance with Generally Accepted Accounting Principles ("GAAP").

¹ By Order dated September 10, 2025, the Board approved the sale of ownership interests in CCF to Small Cells HoldCo. See In re Verified Joint Petition of Crown Castle Operating Company, Transferor, Crown Castle Fiber LLC, Licensee, and Small Cells HoldCo Inc., Transferee, for Approval of the Transfer of Control of Licensee to Transferee, BPU Docket No. TM25050299, Order dated Sept. 10, 2025. As part of that docket, the petitioners therein noted their intention to transfer ownership interests in Crown Castle's fiber business to effectuate the separation of CCF's fiber and small cells businesses.

² In re Verified Joint Petition of Crown Castle Operating Company, Fiber AssetCo LLC, Crown Castle Fiber LLC and Fiber FinCo, LLC, for (1) Approval of a Pro Forma Assignment of Assets and Customers from Crown Castle Fiber LLC to Fiber AssetCo LLC, (2) Approval of the Transfer of Control of Fiber AssetCo LLC to Fiber FinCo, LLC and (3) for Fiber AssetCo LLC to Participate in Certain Financing Arrangements, BPU Docket No. TM25050324.

Petitioner also requested a waiver of N.J.A.C. 14:1-5.15(a), which requires that all books and records incident to Petitioner's operations be maintained in the State of New Jersey. The Petitioner's activities in the State of New Jersey will be managed from its principal place of business. Petitioner stated that maintaining its books and records in the State of New Jersey would place an undue financial burden on Petitioner as it competes with other carriers that maintain their books and records outside of the State of New Jersey. The ability to maintain its books and records out-of-state will reduce Petitioner's administrative and financial burden, increase the efficiency of its operations, and thereby enable Petitioner to offer its services in a more competitive manner. Upon a written request from the Board, Petitioner indicated that it would produce such books and records at such time and place within New Jersey, as the Board may designate.

By letter dated July 2, 2025, the New Jersey Division of Rate Counsel ("Rate Counsel") indicated that it supports the introduction and expansion of competition in the New Jersey telecommunications market because competition encourages lower prices, technological development and deployment, and provides consumers with a greater number of alternatives, consistent with the public interest, convenience, and necessity. Additionally, Rate Counsel indicated that it does not oppose a Board grant of Petitioner's requests in this matter.

DISCUSSION AND FINDINGS

On February 8, 1996, the Federal Act was signed into law to promote competition and remove barriers to entry into telecommunications markets. To that end, 47 U.S.C. § 253(a) provides that "[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service." However, pursuant to 47 U.S.C. § 253(b), the Board, as the State's regulatory authority, may impose requirements necessary to protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers on a competitively neutral basis that is consistent with universal service.

In considering the instant Petition for Competitive Local Exchange Carrier ("CLEC") authority to provide local exchange and interexchange telecommunication services, the Board recognizes its obligation to not prohibit entry into intrastate telecommunications markets by qualified applicants.³ The Board additionally notes that, pursuant to the 1992 Act and based on the Legislative findings that "competition will promote efficiency, reduce regulatory delay, and foster productivity and innovation" and "produce a wider selection of services at competitive market-based prices," State policy is to "[p]rovide diversity in the supply of telecommunications services."⁴ Consistent with State and federal law, the Board is empowered to grant CLEC authority to telecommunications companies seeking to provide service in New Jersey.⁵

Therefore, having reviewed the Petition and the information supplied, the Board **HEREBY FINDS** that, with respect to its request for approval to provide local exchange and interexchange services in New Jersey, Petitioner meets the Board's filing requirements. Accordingly, the Board **HEREBY AUTHORIZES** Petitioner to provide facilities-based and resold local exchange and interexchange services, and facilities-based dedicated and private line communications throughout the State of

³ 47 U.S.C. § 253(a).

⁴ N.J.S.A. 48:2-21.16(a)(4), (b)(1), and (b)(3).

⁵ N.J.A. 48:2-13 and 48:2-21.20(d).

New Jersey. The granting of such authority conveys certain rights and privileges upon the Petitioner in its designation as a CLEC in New Jersey. To the extent that a CLEC entity provides unregulated services, CLEC benefits, rights, and privileges granted by the Board are not applicable to those unregulated services.

The Board **HEREBY ORDERS**:

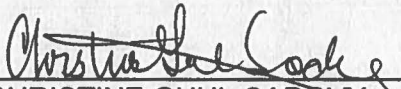
- 1) Pursuant to N.J.S.A. 48:2-21.19(a)(2) and N.J.A.C. 14:10-5.2, Petitioner shall post the terms and conditions of its retail competitive services on its website in a publicly available location and shall also provide a printed copy of those terms and conditions to a customer upon the customer's request.
- 2) Petitioner shall provide the Board and Rate Counsel with a link to the page of the website described above that contains the terms and conditions of its competitive local exchange and interexchange telecommunications services no later than five (5) days after the effective date of this Order. To ensure service quality, the Petitioner shall notify the Board within ten (10) days from the date it begins providing such services to New Jersey customers. Petitioner shall otherwise comply with N.J.A.C. 14:10-5.1 to -5.8 with respect to any initial offerings of service or revisions to rate, terms and conditions.
- 3) In the event Petitioner intends to provide or provides services requiring the provision of 9-1-1 or E-9-1-1 services under Federal law, Petitioner shall provide the Board with a link to the page of its website that contains the terms and conditions of 9-1-1 and E-9-1-1 services to ensure that Petitioner's owned/leased facilities are equipped to provide reliable and functional access to 9-1-1 and E-9-1-1 services to subscribers. To ensure service quality, the Petitioner shall notify the Board within ten (10) days from the date it begins providing such services to New Jersey customers.
- 4) Pursuant to N.J.S.A. 48:2-16(2)(b), N.J.A.C. 14:3-6.3, and N.J.S.A. 48:2-62, Petitioner shall file an annual report and a statement of gross intrastate revenues from operations form (AR3-1) as of December 31 of each year, which is due on or before March 31 and June 1 of the following year, respectively. If Petitioner does not receive the Board's annual report package from the Division of Audits on or before February 1 of each year, it is Petitioner's responsibility to obtain the annual report package from the Board. It is also the Petitioner's responsibility to ensure timely filing of these reports. Pursuant to N.J.S.A. 48:2-16.3, if Petitioner fails to file an annual report by the due date, Petitioner shall be subject to a penalty of five-dollars (\$5.00) for each day thereafter until such report is filed.
- 5) In accordance with N.J.S.A. 48:2-59, N.J.S.A. 48:2-60, and N.J.S.A. 52:27EE-52, Petitioner is subject to an annual assessment by both the Board and Rate Counsel, respectively.
- 6) Failure to comply with this order may result in monetary penalties pursuant to N.J.S.A. 48:2-42, suspension of CLEC authority, and/or revocation of CLEC authority.

The Petitioner additionally requested a waiver of N.J.A.C. 14:10-1A.13 and N.J.A.C. 14:1-5.15(a). Upon review, the Board **HEREBY FINDS** that the Petitioner demonstrated requisite good cause for the Board to grant such relief pursuant to N.J.A.C. 14:1-1.2. Accordingly, the Board **HEREBY GRANTS** Petitioner's request to adhere to the GAAP and waives both the USOA requirements at N.J.A.C. 14:10-1A.13 and bookkeeping requirements at N.J.A.C. 14:1-5.15(a).

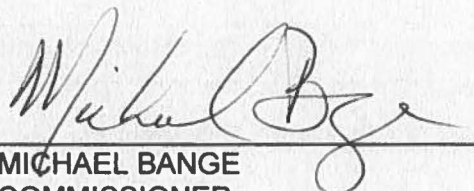
This Order shall be effective October 2, 2025.

DATED: September 25, 2025

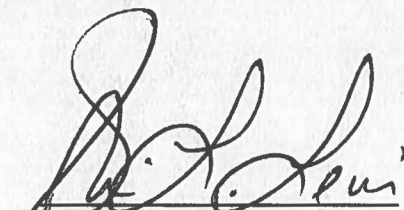
BOARD OF PUBLIC UTILITIES
BY:


CHRISTINE GUHL-SADOVY
PRESIDENT


DR. ZENON CHRISTODOULOU
COMMISSIONER


MICHAEL BANGE
COMMISSIONER

ATTEST:


SHERRI L. LEWIS
BOARD SECRETARY

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

IN THE MATTER OF PETITION OF FIBER ASSETCO LLC FOR AUTHORIZATION TO PROVIDE FACILITIES-BASED AND RESOLD LOCAL EXCHANGE AND INTEREXCHANGE SERVICES, AND FACILITIES-BASED DEDICATED AND PRIVATE LINE COMMUNICATIONS THROUGHOUT THE STATE OF NEW JERSEY

DOCKET NO. TE25050308

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