



Agenda Date: 4/22/26
Agenda Item: IC

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 FIRSTLIGHT) ORDER
NETWORKS, LLC FOR AUTHORIZATION TO)
PROVIDE LOCAL EXCHANGE, INTEREXCHANGE,)
AND PRIVATE LINE TELECOMMUNICATIONS)
SERVICES THROUGHOUT THE STATE OF NEW) DOCKET NO. TE25100569
JERSEY)

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Joshua M. Bobeck, Esq., for FirstLight Networks, LLC

BY THE BOARD:

On October 15, 2025, FirstLight Networks LLC (“Petitioner or FLN”) 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 local exchange, interexchange, and private line telecommunications services throughout the State of New Jersey (“Petition”). Additionally, the Petitioner 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 and a wholly owned indirect subsidiary of Petitioner's parent, FirstLight Fiber, Inc. ("FLF"), a Delaware corporation with a principal office located at 12 Metro Park Road, Albany, NY 12205. FLF is authorized to provide facilities-based local exchange, interexchange, and private line telecommunications services throughout the state of New Jersey.¹ FLF is also authorized by the Federal Communications Commission to provide domestic (interstate) and international telecommunications services. Petitioner is also affiliated with Oxford Telephone Co., Oxford West Telephone Co., FirstLight MFC, LLC, and Maine Fiber Company, LLC, which are each authorized, or are seeking authority, to operate in Maine. While Petitioner currently does not provide, and is not authorized to provide, intrastate telecommunications services in any state, Petitioner has pending, or plans to file, applications or registrations to provide intrastate telecommunications services in the following states in addition to New Jersey: Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont. Petitioner has not had certification or authorization denied, suspended, terminated, or revoked by any state. Furthermore, Petitioner is not, nor has it ever been, the subject of any civil or criminal proceedings in any jurisdiction. Petitioner does not currently have any subsidiaries. No parent or affiliate of Petitioner has had any certificate or authorization denied, suspended, terminated, or revoked.

Petitioner asserted that granting of the Petition would serve the public interest. FLN asserted that, as demonstrated in the Petition, Petitioner is financially, managerially, and technically qualified and meets the requirements to provide telecommunications services. Petitioner indicated that it would operate its networks and offer services designed to meet the needs of its customers in an efficient and cost-effective manner. Petitioner maintained that it will own a competitive telecommunications infrastructure in the State, thereby driving prices closer to cost and ensuring just and reasonable rates in addition to promoting efficiency in the delivery of services and in the development of new services. Further, Petitioner will provide customers with high quality, competitively priced telecommunications services. FLN contended that it is managed by a highly skilled team with substantial expertise and experience in the communications industry, including extensive telecommunications business, technical, and managerial expertise. Petitioner further claimed that it has sufficient financial resources to initiate and maintain the services and related operations in New Jersey proposed in this Petition. Petitioner, as a newly formed company, does not have historical financial statements. FLN has not entered into an interconnection agreement with Incumbent Local Exchange Carriers ("ILEC") because currently, Petitioner does not intend to offer services that require an interconnection agreement with ILEC in New Jersey.

Petitioner seeks authority to provide facilities-based and resold local exchange, interexchange, and private line telecommunications services to and from all points throughout the State of New Jersey. Petitioner's primary service offering will be high-capacity private line services, local exchange services, long distance service, high-speed internet and data services to customers (including enterprise customers, wholesale and other carriers, and government entities). Petitioner plans to use fiber optic cable as well as other equipment and facilities to originate, terminate, and amplify signals. Petitioner will provide services primarily using its own facilities,

¹ In re the Verified Petition of FirstLight Fiber, Inc. for Authorization to Provide Facilities-Based Local Exchange, Interexchange, and Private Line Telecommunications Services in the State of New Jersey, Docket No. TE19050638, Order dated August 7, 2019.

which will be assigned from FLF pursuant to the Pro Forma Asset Transfer.² Although Petitioner does not currently intend to furnish switched voice services or dial tone, Petitioner seeks the authority to do so should future market conditions warrant

Petitioner maintains a toll-free number for customer service inquiries.

Petitioner does not currently own or lease facilities in New Jersey but rather will use the communications optical fiber and associated telecommunications equipment assigned to Petitioner by FLF. Though Petitioner has no current plans to construct additional facilities, Petitioner seeks the authority to do so should future market conditions warrant. Petitioner will provide services to enterprise customers and to other communications providers on a wholesale basis and does not intend to directly serve residential customers. Petitioner initially does not plan to provide retail or switched access services and therefore has not included illustrative tariffs with the Petition. Instead, Petitioner will offer its service on a non-discriminatory basis and at competitive rates through individual case basis contracts.

Petitioner will continuously monitor and maintain a high level of control over its network on a 24-hour-day, 7-day-a-week basis.

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").

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

² Pending in In re the Verified Joint Petition of FirstLight Fiber, Inc. and FirstLight Networks, LLC for Approval (1) of a Pro Forma Assignment of Certain Assets from FirstLight Fiber, Inc. to FirstLight Networks, LLC and (2) for FirstLight Networks, LLC to Participate in Certain Financing Arrangements, BPU Docket No. TM25100583.

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

Pursuant to N.J.A.C. 14:1-1.2(b), the Board shall, in accordance with the general purposes and intent of its rules, waive a specific provision where full compliance would adversely affect ratepayers, the ability of a utility to provide safe, adequate, and proper service, or the interests of the general public.

Here, Petitioner has demonstrated they possess the requisite financial, technical, and managerial resources and experiences necessary to provide facilities based and resold interexchange and local exchange services in compliance with New Jersey laws and Board regulations and requirements, thus aligning their ability and interest with the interest of the State and general public. Further, the Board agrees that requiring Petitioner to maintain its books and records in New Jersey in the present instance would likely create an undue financial and administrative burden for Petitioner as it competes with other out-of-state carriers, negatively impacting Petitioner’s ability to efficiently provide competitive services for New Jersey ratepayers. Lastly, Petitioner has assured the Board that its GAAP-compliant records will allow reliable oversight of its financial fitness and operations. Given the State’s and Board’s interest in reducing burdens on New Jersey ratepayers, requiring strict compliance with USOA standards in this instance may impede Petitioner’s ability to provide competitive services for New Jersey ratepayers.

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, interexchange, and facilities-based dedicated and private line communications services throughout the State of 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

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.S.A. 48:2-13 and 48:2-21.20(d).

unregulated services, CLEC benefits, rights, and privileges granted by the Board are not applicable to those unregulated services.

The Board **HEREBY ORDERS**:

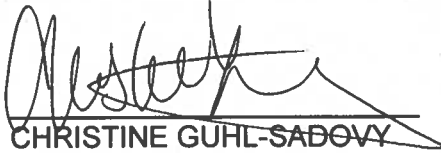
- 1) Pursuant to N.J.S.A. 48:2-21.19(a)(2) and N.J.A.C. 14:10-5.2, Petitioner shall post the terms and conditions of its retail competitive services on its website in a publicly available location and shall also provide a printed copy of those terms and conditions to a customer upon the customer's request.
- 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 April 29, 2026.

DATED: April 22, 2026

BOARD OF PUBLIC UTILITIES
BY:



CHRISTINE GUHL-SADOVY
PRESIDENT




DR. ZENON CHRISTODOLOU
COMMISSIONER



MICHAEL BANGE
COMMISSIONER



EMMA REBHORN
COMMISSIONER



JOSEPH COVIELLO
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 FIRSTLIGHT NETWORKS, LLC FOR AUTHORIZATION TO PROVIDE LOCAL EXCHANGE, INTEREXCHANGE, AND PRIVATE LINE TELECOMMUNICATIONS SERVICES THROUGHOUT THE STATE OF NEW JERSEY

DOCKET NO. TE25100569

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