Agenda Date: 7/15/26
Agenda Item: IB

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 THE PETITION OF ATLANTIC CARRIER GROUP LLC FOR AUTHORITY TO PROVIDE FACILITIES-BASED AND NON-FACILITIES -BASED LOCAL EXCHANGE, INTEREXCHANGE, AND PRIVATE LINE/DATA TRANSPORT TELECOMMUNICATIONS SERVICES IN THE STATE OF NEW JERSEY	)	ORDER DOCKET NO. TE25110607

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Kyle Therrien, Authorized Representative, For Atlantic Carrier Group LLC

BY THE BOARD:[1]

On November 20, 2025, Atlantic Carrier Group LLC ("ACG" or "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, 110 Stat. 56 (1996) ("Federal Act"), seeking authority to provide facilities-based and non-facilities-based local exchange, interexchange, and private line/data transport 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 the Petitioner's operations be maintained in the State of New Jersey. By this Order, the Board considers the Petition.

BACKGROUND

The Petitioner is a New Jersey limited liability company with a principal office located at 971 US Highway 202N #5395, Branchburg, New Jersey 08876. The Petitioner is authorized to conduct business in the State of New Jersey.

[1] President Hertz-Shargel has abstained from voting on this matter.

According to the Petition, ACG will provide competitive telecommunications services, including facilities-based and resale local exchange, interexchange, and private line/data transport services to residential, business, and governmental customers within the State of New Jersey. Currently, ACG has no plans to offer switched voice or telephone services to end users and therefore has not entered into an interconnection agreement with Incumbent Local Exchange Carriers ("ILECs"). However, in the Petition, ACG indicated that it may elect to offer such services in the future, in which case ACG will enter into an interconnection agreement with ILECs and will file appropriate tariffs and copy of interconnection agreements with the Board.

The Petitioner sought certification to provide competitive telecommunications and broadband transport services throughout New Jersey. The Petitioner indicated that it intends to deploy and operate fiber-optic facilities to deliver high-capacity connectivity for businesses, communities, and other carriers. The Petitioner asserted that approval of the Petition would serve the public interest and claims that it will promote competition, stimulate private investment in broadband infrastructure, and advance state and federal goals of expanding reliable, high-speed connectivity and consumer choice. Following certification, ACG plans to develop, construct, and maintain the facilities necessary to provide these services, including coordination with utilities and municipalities to ensure safe and compliant access to infrastructure as required for lawful network deployment.

The Petitioner stated that if it elects to offer switched voice or interconnected voice over internet protocol services, it will ensure full compliance with E-911 emergency service requirements, customer privacy protections, and service quality standards as required under State and Federal law. According to Petition, ACG will maintain a toll-free number for customer service inquiries and will promptly address all service-related concerns or complaints received through the Board's Division of Customer Assistance.

The Petitioner asserted that it possesses the managerial and technical expertise necessary to provide telecommunications services. The Petitioner is a newly formed limited liability company and has not yet commenced operations. ACG has no current financial statements but will obtain financing upon commencement of operations. Initial funding will be provided through owner capital contributions and, if necessary, personal financing obtained by the Managing Member. ACG is financially prepared to commence limited operations upon approval. ACG agrees to comply with all applicable rules and regulations of the Board and the Federal Communications Commission.

The Petitioner requested a waiver of N.J.A.C. 14:10-1A.13, to the extent such regulation would require the Petitioner's financial material to comply with the USOA. Given the Company's size and its use of modern financial reporting based on Generally Accepted Accounting Principles ("GAAP"), strict adherence to the USOA would be burdensome and unnecessary. Petitioner asserts that it will maintain accurate records under GAAP, consistent with Board precedent.

The Petitioner also requested a waiver of N.J.A.C. 14:1-5.15(a). Petitioner claimed that as a small, facilities-based competitive telecommunications provider, it will utilize secure cloud-based accounting and document-management systems operated from its principal administrative location outside of New Jersey. All records will be made immediately available to the Board upon written request.

By letter dated February 25, 2026, the New Jersey Division of Rate Counsel ("Rate Counsel") indicated that it supported the introduction and expansion of competition in the New Jersey telecommunications market because competition encourages lower prices, technological advances and deployment of enhanced telecommunications services for consumers, which is consistent with the public interest, convenience and necessity. Accordingly, Rate Counsel indicated that it did not oppose the Board granting the Petitioner's request for waiver and issuing the Petitioner a certificate of authority to provide telecommunications services throughout New Jersey.

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 Petition for Competitive Local Exchange Carrier ("CLEC") authority to provide local exchange and interexchange telecommunication services, the Board recognizes its obligation to not prohibit qualified applicants from entering intrastate telecommunications markets.[2] 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."[3] Consistent with State and federal law, the Board is empowered to grant CLEC authority to telecommunications companies seeking to provide service in New Jersey.[4]

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.

The Petitioner has demonstrated that it possesses the requisite financial, technical, and managerial resources, and experience necessary to provide facilities-based and non-facilities-based local exchange, interexchange, and private line/data transport telecommunications services, thus aligning its abilities and interests with the interests of the State and general public. Further, requiring the Petitioner to maintain its books and records in New Jersey in the present instance would likely create an undue financial and administrative burden for the Petitioner as it competes with other out-of-state carriers, negatively impacting the Petitioner's ability to efficiently provide competitive services for New Jersey ratepayers. Lastly, the 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. Additionally, the added benefits that the Petitioner's ability to provide local exchange and interexchange services in New Jersey will

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[2] 47 U.S.C. § 253(a).

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

[4] N.J.S.A. 48:2-13 and 48:2-21.20(d).

have on promoting efficiency, reducing regulatory delay, and fostering productivity and innovation, ultimately reducing ratepayer's burden, further supports a waiver.

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, and private line/data transport telecommunications services in the State of New Jersey, the Petitioner meets the Board's filing requirements. Accordingly, the Board **HEREBY AUTHORIZES** the Petitioner to provide facilities-based and non-facilities-based local exchange, interexchange, and private line/data transport telecommunications services throughout 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, the Petitioner must post the terms and conditions of its retail competitive services on its website in a publicly available location and must also provide a printed copy of those terms and conditions to a customer upon the customer's request.

2) The Petitioner must 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 must notify the Board within ten (10) days from the date it begins providing such services to New Jersey customers. The Petitioner must 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 the Petitioner intends to provide or provides services requiring the provision of 9-1-1 or E-9-1-1 services under Federal law, the Petitioner must 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 the 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 must 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, the Petitioner must 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 the 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 the 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 the Petitioner fails to file an annual report by the due date, the Petitioner will 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, the 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** the 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 July 22, 2026.

DATED: July 15, 2026

BOARD OF PUBLIC UTILITIES
BY:

ABSTAINED
BEN HERTZ-SHARGEL
PRESIDENT

CHRISTINE GUHL-SADOVY
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.

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DOCKET NO. TE25110607

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