Agenda Date: 8/12/26
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 LYINA LEC LLC	)	ORDER
FOR AUTHORITY TO PROVIDE FACILITIES-BASED	)	
AND RESOLD LOCAL EXCHANGE AND	)	
INTEREXCHANGE TELECOMMUNICATIONS	)	
SERVICES IN THE STATE OF NEW JERSEY	)	DOCKET NO. TE26050212

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Michael A. Gruin, Authorized Representative, For Lyina LEC LLC

BY THE BOARD:

On May 11, 2026, Lyina LEC LLC ("Lyina" or "Petitioner") filed a 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 authorization to provide facilities-based and resold local exchange and interexchange telecommunications services in 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 wholly owned and privately held limited liability company formed under the laws of the State of Colorado with a principal place of business at 1500 N. Grant Street, Suite 7861, Devner, CO 80203.

Petitioner is authorized to provide Competitive Local Exchange Carrier ("CLEC") services in the State of Montana and North Dakota. Petitioner has never been denied approval to provide services in any state, nor had any existing service authority revoked or suspended in any state. Petitioner indicated that it intends to begin providing services in New Jersey by September 1, 2026.

Lyina indicated through its Petition that its managers possess the managerial and technical expertise necessary to provide telecommunications services. Petitioner is a newly formed limited liability company and has not yet commenced operations in any jurisdiction.

Upon approval of its Petition, Petitioner stated that it plans to file its CLEC and intrastate switched access tariffs for New Jersey.

Petitioners has not yet begun the process of negotiating an interconnection agreement with other carriers. Lyina indicated that it intends to negotiate an interconnection with Verizon New Jersey Inc. ("Verizon") and Brightspeed of New Jersey, LLC ("Brightspeed") concurrently with the pendency of the Petition. As Petitioner enters into an interconnection agreement with other carriers, Lyina will file them with the Board pursuant to all applicable requirements.

Petitioner stated that iut plans to provide facilities-based and resold local exchange and interexchange services in the New Jersey service territories of incumbent local exchange carriers ("ILECs") such as Verizon and Brightspeed. Lyina's services would be provisioned using a combination of Petitioner-owned switching equipment, collocation with ILECs and competitive tandem providers, leased fiber, unbundled network elements and the last-mile facilities of ILECs and CLECs, wireless and cable carriers, and independent internet service providers ("ISPs"). Petitioner stated that it would partner with last-mile service providers including other CLEC, ILECs, and independent wireline and wireless ISPs to provide voice services to business, carrier, and institutional customers throughout New Jersey. Petitioner stated that it does not intend to provide service where any ILEC is eligible for a rural telephone company or rural carrier exemption, suspension, or modification pursuant to Section 251(f) of the Federal Communications Act, 47 U.S.C. § 251(f).

According to the Petition, Lyina's plan for next year and five (5) years consists of marketing its services to independent ISPs operating in New Jersey, to provide them with seamless, advanced Voice Iver Inter Protocol networking services and enable them to offer carrier-class voice services at low cost to their residential, business, and institutional subscribers. On an interim basis, to assist with coverage gaps, Petitioner indicated that it may rely on resold voice services provided pursuant to an interconnection agreement with Verizon and Brightspeed.

Petitioners maintain a toll-free number for customer inquiries.

By the Petition, Lyina also 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 stated absent the grant of a waiver, Petitioner would be required to maintain a dual set of books, one (1) solely for New Jersey and another for all other jurisdictions. Petitioner asserted that such a requirement would be extremely burdensome. Petitioner claimed that its continuing use of Generally Accepted Accounting Principles (GAAP) will be consistent with the principles embodied in the USOA provisions and will permit Petitioner to comply with any applicable Board requirements.

Petitioner also requested a waiver of N.J.A.C. 14:1-5.15(a). Petitioner stated that its activities in the State of New Jersey will be managed from its principal place of business. Petitioner indicated that, upon a written request from the Board, it would produce such books and records at such time and place within New Jersey, as the Board may designate.

By letter dated July 22, 2026, 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 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 does not oppose Petitioner's accounting relief requests or 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 Petition for 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.[1] 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."[2] Consistent with State and federal law, the Board is empowered to grant CLEC authority to telecommunications companies seeking to provide service in New Jersey.[3]

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 they possess 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

[1] 47 U.S.C. § 253(a).

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

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

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 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 resold local exchange and interexchange telecommunications services in 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 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 August 19, 2026.

DATED: August 12, 2026

BOARD OF PUBLIC UTILITIES
BY:

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.

IN THE MATTER OF PETITION OF LYINA LEC LLC FOR AUTHORITY TO PROVIDE FACILITIES-BASED AND RESOLD LOCAL EXCHANGE AND INTEREXCHANGE TELECOMMUNICATIONS SERVICES IN THE STATE OF NEW JERSEY

DOCKET NO. TE26050212

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