



NJBPU & Competitive Local Exchange Carriers (CLEC)

1) Who Regulates Wireline Telecommunications Providers?

- The New Jersey Board of Public Utilities oversees the regulation of wireline Telecommunication providers (landline phones) in the State of New Jersey through powers granted to it by the State Legislature.
- The jurisdiction of the BPU extends to all Incumbent Local Exchange Carriers (ILECs), e.g. Verizon, and Competitive Local Exchange Carriers (CLECs) which provide **landline** Telecommunication services to residential, business and wholesale customers.
- There are over 160 CLECs authorized to operate in the State of New Jersey.

2) What is a CLEC?

- A CLEC is a phone company authorized by the Board to provide telecommunications services in direct competition with the Incumbent Local Exchange Carriers (ILECs) and other CLECs using its own wires and facilities or through wholesale sharing arrangements with other providers. This does not include wireless carriers.

3) What oversight does the BPU have over a CLEC?

- The Board is responsible for approving a petition to become a CLEC. The Board does not regulate the rates, terms or conditions of approved CLECs. In order to become an authorized CLEC in New Jersey, the CLEC must file a petition with the Board for approval.
- As an approved CLEC, the carrier receives certain rights and privileges related to access to rights-of-ways, poles and conduits to place its wires and facilities used **only** in the provision of landline telecommunications services.
- If CLECs are providing wireless services, which are not within the Board's jurisdiction, the CLEC must follow federal and local municipal zoning rules to gain access to rights-of-ways, poles and conduits to provide its wireless services.

4) Does the BPU oversee the operations of wireless communications carriers or siting of wireless facilities, i.e. small cells that might be located on a structure?

- No. Wireless communications and the facilities required to provide those services are under the jurisdiction of the Federal Communications Commissions (FCC) and are not governed by the Board of Public Utilities.
- If an approved CLEC also provides wireless services or wireless capacity to a wireless provider, it must obtain local zoning approval and permits from the municipality.

5) If a CLEC seeks to site wireless structures what is the process?

- Access to rights-of-way and the municipal permitting process for wireless structures is governed by the municipality's existing authority to manage its Rights-of-Way and other zoning related issues as established by the municipal land use law and local ordinances.

6) Is a CLEC automatically exempt from local approvals if it is developing facilities that support wireless communications or providing wireless services?

- No. Wireless facilities and their placement must receive local approval and follow all local municipal permitting and zoning requirements.