

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
COMCAST PHONE OF DELAWARE, LLC, D/B/A)
COMCAST DIGITAL PHONE, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY TO) PSC DOCKET NO. 04-436
PROVIDE LOCAL EXCHANGE AND COMPETITIVE)
INTRASTATE TELECOMMUNICATIONS SERVICES)
WITHIN THE STATE OF DELAWARE)
(FILED NOVEMBER 18, 2004))

FINDINGS AND ORDER NO. 6552

AND NOW, to-wit, this 25th day of January, 2005, the Public Service Commission ("PSC" or the "Commission") makes the following findings, determination, and Order:

1. On November 18, 2004, Comcast Phone of Delaware, LLC, d/b/a Comcast Digital Phone ("Comcast" or "the Company"), filed with the Commission an application for a Certificate of Public Convenience and Necessity ("CPCN") to allow it to provide local exchange and competitive intrastate telecommunications services within Delaware. Comcast has also filed an illustrative tariff setting forth the terms and conditions for its proposed services; and

2. Public notice of the application, including a period for filing objections, was published in The News Journal and the Delaware State News newspapers on December 15, 2004. No comments nor objections to the application have been received. The Commission Staff reports that Comcast has shown that it has the financial, technical, and managerial capabilities as required for a certificate as set forth in the Commission's "Rules for the Provision of Telecommunications Services."¹

¹Adopted in PSC Order No. 5833 (eff. Dec. 10, 2001).

Along with the application, Comcast filed a performance bond in the amount of Ten Thousand Dollars (\$10,000), with corporate surety licensed to do business in Delaware. A Ten Thousand Dollar (\$10,000) performance bond is a requirement of Order No. 5833 in PSC Regulation Dockets Nos. 10 and 45.

3. Comcast has requested a waiver of the requirement to file an intraLATA toll dialing parity plan at this time since Comcast will not be providing access to long distance telecommunications services.

4. The Commission determines that a conditional Certificate of Public Convenience and Necessity should be granted to Comcast authorizing it, as a public utility, to offer local exchange telecommunications services under the provisions of the Commission's "Rules for the Provision of Telecommunications Services."

Now, therefore, **IT IS ORDERED:**

1. That, pursuant to 26 Del. C. §§ 203A and 703(3) and the Commission's "Rules for the Provision of Telecommunications Services," a conditional Certificate of Public Convenience and Necessity is granted to Comcast Phone of Delaware, LLC, d/b/a Comcast Digital Phone, to operate as a public utility and provide local exchange and competitive intrastate telecommunications services as described in the application filed on November 18, 2004.

2. That Comcast Phone of Delaware, LLC, d/b/a Comcast Digital Phone, shall provide local exchange telecommunications services in the manner required by the Commission's "Rules for the Provision of Telecommunications Services," and shall, at all times, comply with all applicable provisions of such Rules. Comcast Phone of Delaware, LLC, d/b/a Comcast Digital Phone, shall also file all returns and pay all

assessments and fees as may be required by the provisions of 26 Del. C. §§ 114 and 115.

3. That the Certificate is awarded upon, and subject to, the following conditions:

(a) That ten (10) days prior to the date Comcast Phone of Delaware, LLC, d/b/a Comcast Digital Phone, intends to offer and implement telecommunications services, Comcast Phone of Delaware, LLC, d/b/a Comcast Digital Phone, shall file a tariff or price list with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and

(b) That Comcast Phone of Delaware, LLC, d/b/a Comcast Digital Phone, has a Commission approved interconnection agreement between Comcast Phone of Delaware, LLC, d/b/a Comcast Digital Phone, and Verizon Delaware Inc., or another certificated local exchange carrier.

4. That the Commission grants Comcast's request to waive the requirement to file and have a Commission approved intraLATA toll dialing parity plan until it makes an application to offer access to long distance telecommunications services.

5. That the provisions of 26 Del. C. § 208(b) are waived, and Comcast Phone of Delaware, LLC, d/b/a Comcast Digital Phone, is authorized to maintain its books and records relating to its Delaware operations outside of the State of Delaware provided, however, and upon the condition that, all such books and records relating to Delaware operations as the Commission may deem it reasonably necessary from time

PSC Docket No. 04-436, Order No. 6552 Cont'd.

Commissioner

ATTEST:

/s/ Norma J. Sherwood
Acting Secretary