

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF )  
WILTEL LOCAL NETWORK, LLC, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO PROVIDE LOCAL EXCHANGE )  
TELECOMMUNICATIONS SERVICES WITHIN THE ) PSC DOCKET No. 04-456  
STATE OF DELAWARE )  
(FILED DECEMBER 6, 2004) )

**FINDINGS AND ORDER NO. 6563**

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

1. On December 6, 2004, WilTel Local Network, LLC ("WilTel"), filed with the Commission an application for a Certificate of Public Convenience and Necessity ("CPCN") to allow it to provide local exchange telecommunications services within Delaware. WilTel 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 Delaware State News and The News Journal newspapers on December 16, 2004. No comments nor objections to the application have been received. The Commission Staff reports that WilTel 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."<sup>1</sup> On January 5, 2005, WilTel filed a performance bond in the amount of Ten

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<sup>1</sup>Adopted in PSC Order No. 5833 (eff. Dec. 10, 2001).

Thousand Dollars (\$10,000) with corporate surety licensed to do business in Delaware; and

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

4. The Commission determines that a conditional CPCN should be granted to WilTel 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 WilTel Local Network, LLC, to operate as a public utility and provide local exchange telecommunications services as described in the application filed on December 6, 2004.

2. That WilTel Local Network, LLC, 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. WilTel Local Network, LLC, 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 for local exchange telecommunications services is awarded upon, and subject to, the following conditions:

- (a) That ten (10) days prior to the date WilTel Local Network, LLC, intends to offer and implement local

exchange telecommunications services, WilTel Local Network, LLC, shall file a tariff or price list with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and

- (b) That WilTel Local Network, LLC, has a Commission approved interconnection agreement or a filed "opt-in" agreement between WilTel Local Network, LLC, and Verizon Delaware Inc., or another certificated local exchange carrier.

4. That the Commission grant WilTel'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 WilTel Local Network, LLC, 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 to time, to review and copy, shall be provided to the Commission at the Commission's Office within the State of Delaware in a timely manner upon written request by the Commission's Chief of Technical Services or Executive Director. The conduct of such a review at a location other than Delaware shall be at the Applicant's expense.

6. That WilTel Local Network, LLC, shall comply with all state and federal statutes and rules relating to a customer's selection of a preferred carrier of telecommunications services. WilTel Local Network, LLC, agrees to pay all fees, assessments, penalties, and allowed damages

arising from a violation of such state and federal statutes or rules pertaining to the selection of a preferred carrier.

7. That a violation of the "Rules for the Provision of Telecommunications Services" may result in suspension or revocation of this Certificate.

8. That the Commission reserves the jurisdiction and authority to enter such further Orders in this proceeding as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae  
Chair

/s/ Joshua M. Twilley  
Vice Chair

/s/ Joann T. Conaway  
Commissioner

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Commissioner

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Commissioner

ATTEST:

/s/ Norma J. Sherwood  
Acting Secretary