

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

IN THE MATTER OF THE APPLICATION OF)
UCN, INC., FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO PROVIDE)
LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES) PSC DOCKET No. 05-46
WITHIN THE STATE OF DELAWARE)
(FILED FEBRUARY 3, 2005))

FINDINGS AND ORDER NO. 6624

AND NOW, to-wit, this 24th day of May, 2005, the Public Service Commission ("PSC" or the "Commission") makes the following findings, determination, and Order:

1. On February 3, 2005, UCN, Inc. ("UCN"), 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. UCN 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 newspaper on February 16, 2005 and The News Journal newspaper on February 23, 2005. No comments nor objections to the application have been received. The Commission Staff reports that UCN 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 On March 2, 2005, UCN filed a performance

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

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

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

4. The Commission determines that a conditional CPCN should be granted to UCN 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 UCN, Inc., to operate as a public utility and provide local exchange telecommunications services as described in the application filed on February 3, 2005.

2. That UCN, Inc., 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. UCN, Inc., 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 UCN, Inc., intends to offer and implement local exchange telecommunications services, UCN, Inc., shall file

a tariff or price list with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and

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

4. That the Commission grant UCN'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 UCN, Inc., 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 UCN, Inc., shall comply with all state and federal statutes and rules relating to a customer's selection of a preferred carrier of telecommunications services. UCN, Inc., 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:

Chair

/s/ Joshua M. Twilley
Vice Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Dallas Winslow
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary