

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

IN THE MATTER OF THE APPLICATION OF)
NAVIGATOR TELECOMMUNICATIONS, LLC, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO PROVIDE LOCAL EXCHANGE AND)
COMPETITIVE INTRASTATE TELECOMMUNICATIONS)
SERVICES WITHIN THE STATE OF DELAWARE,) PSC DOCKET NO. 05-286
AND FOR REVIEW OF A PLAN FOR PROVIDING)
INTRALATA TOLL DIALING PARITY IN ACCORD-)
ANCE WITH FEDERAL COMMUNICATIONS)
COMMISSION REQUIREMENTS (FILED AUGUST 5,)
2005 AND AMENDED JANUARY 23, 2006))

FINDINGS AND ORDER NO. 6830

AND NOW, to-wit, this 7th day of February, 2006, the Public Service Commission ("PSC" or the "Commission") makes the following findings, determination, and Order:

1. On August 5, 2005, Navigator Telecommunications, LLC ("Navigator"), 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. Navigator has also filed an illustrative tariff setting forth the terms and conditions for its proposed services and its proposed dialing parity plan. Navigator amended its application on January 23, 2006; 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 October 11, 2005. No comments or objections to the application have been received. The Commission Staff reports that Navigator 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 January 23, 2006, Navigator filed an irrevocable letter of credit in the amount of Ten Thousand Dollars (\$10,000) with Citizens Bank which does business in Delaware and has requested a waiver of Rule 4(f)(i) of the Commission's "Rules for the Provision of Telecommunications Services;"² and

3. The Commission determines that a conditional CPCN should be granted to Navigator 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" until the Company completes the conditions described in Ordering Paragraph 4;

4. The Commission determines that a CPCN should be granted to Navigator authorizing it, as a public utility, to offer competitive intrastate 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 Navigator Telecommunications, LLC, to operate as a public utility and

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

²There is currently a proceeding open to permit telecommunications companies to file an irrevocable letter of credit as a substitute for the performance or surety bond. See PSC Order No. 6690 (Aug. 9, 2005).

provide local exchange telecommunications services as described in the application filed on August 5, 2005 and amended on January 23, 2006.

2. That, pursuant to 26 Del. C. §§ 203A and 703(3) and the Commission's "Rules for the Provision of Telecommunications Services", a Certificate of Public Convenience and Necessity is granted to Navigator Telecommunications, LLC, to operate as a public utility and provide competitive intrastate telecommunications services as described in the application filed on August 5, 2005 and amended on January 23, 2006.

2. That Navigator Telecommunications, LLC, shall provide local exchange and competitive intrastate 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. Navigator Telecommunications, 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:³

- (a) That ten (10) days prior to the date Navigator Telecommunications, LLC, intends to offer and implement local exchange telecommunications services, Navigator Telecommunications, LLC, shall file a tariff or price list with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and

³These conditions must be completed within 6 months of the date of this Order.

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

4. That the Commission grant the waiver to permit Navigator Telecommunications, LLC, to substitute the surety or performance bond with an irrevocable letter of credit as required by Rule 4(f)(i) of the "Rules for the Provision of Telecommunications Services".

5. That the intraLATA toll dialing parity plan filed by Navigator Telecommunications, LLC, is approved with the modification expressed in Staff's recommendation in their January 26, 2006 memorandum. The Commission reserves the right to revisit the approval granted here if changed circumstances or complaints (from either consumers or competitors) raise concerns that "real world" implementation of the intraLATA toll dialing parity plan of Navigator Telecommunications, LLC, does not allow for customers to exercise informed choice in the selection of an intraLATA toll carrier.

6. That the provisions of 26 Del. C. § 208(b) are waived, and Navigator Telecommunications, 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.

7. That Navigator Telecommunications, LLC, shall comply with all state and federal statutes and rules relating to a customer's selection of a preferred carrier of telecommunications services. Navigator Telecommunications, 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.

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

9. 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/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Dallas Winslow
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary