

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

IN THE MATTER OF THE APPLICATION OF )  
VANCO DIRECT USA, LLC, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY TO )  
TO PROVIDE LOCAL EXCHANGE AND COMPETITIVE )  
INTRASTATE TELECOMMUNICATIONS SERVICES )  
WITHIN THE STATE OF DELAWARE, AND FOR ) PSC DOCKET NO. 05-388  
REVIEW OF A PLAN FOR PROVIDING INTRALATA )  
TOLL DIALING PARITY IN ACCORDANCE WITH )  
FEDERAL COMMUNICATIONS COMMISSION REQUIRE- )  
MENTS (FILED NOVEMBER 2, 2005 AND )  
AMENDED APRIL 4, 2006) )

**FINDINGS AND ORDER NO. 6890**

**AND NOW**, to-wit, this 11<sup>th</sup> day of April, 2006, the Public Service Commission ("PSC" or the "Commission") makes the following findings, determination, and Order:

1. On November 2, 2005, Vanco Direct USA, LLC ("Vanco" 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. Vanco has also filed an illustrative tariff setting forth the terms and conditions for its proposed services and its proposed dialing parity plan. Vanco amended its application on April 4, 2006; and

2. Public notice of the application, including a period for filing objections, was published in The News Journal newspaper on November 21, 2005 and the Delaware State News newspaper on November 19, 2005. No comments or objections to the application have been received. The Commission Staff reports that Vanco 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 April 4, 2006, Vanco filed an irrevocable letter of credit in the amount of Ten Thousand Dollars (\$10,000) with JPMorganChase Bank which does business in Delaware as permitted in Rule 4(f)(iii) of the Commission's "Rules for the Provision of Telecommunications Services;" and

3. The Commission determines that a conditional CPCN should be granted to Vanco 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; and

4. The Commission determines that a CPCN should be granted to Vanco 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 Vanco Direct USA, LLC, to operate as a public utility and provide local exchange telecommunications services as described in the application filed on November 2, 2005 and amended on April 4, 2006.

---

<sup>1</sup>Adopted in PSC Order No. 5833 (eff. Dec. 10, 2001) and amended by PSC Order No. 6839 (eff. March 11, 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 Vanco Direct USA, LLC, to operate as a public utility and provide competitive intrastate telecommunications services as described in the application filed on November 2, 2005 and amended on April 4, 2006.

2. That Vanco Direct USA, 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. Vanco Direct USA, 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:<sup>2</sup>

- (a) That ten (10) days prior to the date Vanco Direct USA, LLC, intends to offer and implement local exchange telecommunications services, Vanco Direct USA, LLC, shall file a tariff or price list with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and
- (b) That Vanco Direct USA, LLC, has a Commission approved interconnection agreement or a filed "opt-in" agreement between Vanco Direct USA, LLC, and Verizon Delaware Inc., or another certificated local exchange carrier.

---

<sup>2</sup>These conditions must be completed within 6 months of the date of this Order.

4. That the intraLATA toll dialing parity plan filed by Vanco Direct USA, LLC, is approved with the modification expressed in Staff's recommendation in their April 6, 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 Vanco Direct USA, LLC, does not allow for customers to exercise informed choice in the selection of an intraLATA toll carrier.

5. That the provisions of 26 Del. C. § 208(b) are waived, and Vanco Direct USA, 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 Vanco Direct USA, LLC, shall comply with all state and federal statutes and rules relating to a customer's selection of a preferred carrier of telecommunications services. Vanco Direct USA, 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/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

/s/ Dallas Winslow  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary