

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

IN THE MATTER OF THE APPLICATION OF )  
COMTEL TELCOM ASSETS LP, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY TO )  
PROVIDE LOCAL EXCHANGE AND COMPETITIVE )  
INTRASTATE TELECOMMUNICATIONS SERVICES )  
WITHIN THE STATE OF DELAWARE, AND FOR ) PSC DOCKET NO. 05-441  
REVIEW OF A PLAN FOR PROVIDING INTRALATA )  
TOLL DIALING PARITY IN ACCORDANCE WITH )  
FEDERAL COMMUNICATIONS COMMISSION REQUIRE- )  
MENTS (FILED DECEMBER 22, 2005 AND )  
AMENDED APRIL 4, 2006) )

**FINDINGS AND ORDER NO. 6899**

**AND NOW**, to-wit, this 25<sup>th</sup> day of April, 2006, the Public Service Commission ("PSC" or the "Commission") makes the following findings, determination, and Order:

1. On December 22, 2005, Comtel Telcom Assets LP ("Comtel" 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. Comtel has also filed an illustrative tariff setting forth the terms and conditions for its proposed services and its proposed dialing parity plan. Comtel 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 and the Delaware State News newspapers on January 14, 2006. No comments or objections to the application have been received. The Commission Staff reports that Comtel 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, Comtel filed a surety bond in the amount of Ten  
Thousand Dollars (\$10,000) as permitted in Rule 4(f)(i) of the  
Commission's "Rules for the Provision of Telecommunications Services;"  
and

3. The Commission determines that a conditional CPCN should be  
granted to Comtel 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  
Comtel 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  
Comtel Telcom Assets LP to operate as a public utility and provide local  
exchange telecommunications services as described in the application  
filed on December 22, 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 Comtel Telcom Assets LP to operate as a public utility and provide competitive intrastate telecommunications services as described in the application filed on December 22, 2005 and amended on April 4, 2006.

2. That Comtel Telcom Assets LP 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. Comtel Telcom Assets LP 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 Comtel Telcom Assets LP intends to offer and implement local exchange telecommunications services, Comtel Telcom Assets LP shall file a tariff or price list with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and
- (b) That Comtel Telcom Assets LP has a Commission approved interconnection agreement or a filed "opt-in" agreement between Comtel Telcom Assets LP 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 Comtel Telcom Assets LP is approved with the modification expressed in Staff's recommendation in their April 19, 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 Comtel Telcom Assets LP 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 Comtel Telcom Assets LP 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 Comtel Telcom Assets LP shall comply with all state and federal statutes and rules relating to a customer's selection of a preferred carrier of telecommunications services. Comtel Telcom Assets LP 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