

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

IN THE MATTER OF THE APPLICATION OF )  
MAGELLAN HILL TECHNOLOGIES, LLC, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO PROVIDE LOCAL EXCHANGE AND )  
COMPETITIVE INTRASTATE TELECOMMUNICATIONS ) PSC DOCKET NO. 06-379  
SERVICES WITHIN THE STATE OF DELAWARE, )  
AND FOR REVIEW OF A PLAN FOR PROVIDING )  
INTRALATA TOLL DIALING PARITY IN ACCORD- )  
ANCE WITH FEDERAL COMMUNICATIONS COMMIS- )  
SION REQUIREMENTS (FILED DECEMBER 14, )  
2006 AND AMENDED MAY 16, 2007) )

**FINDINGS AND ORDER NO. 7218**

This 19<sup>th</sup> day of June, 2007, the Public Service Commission ("PSC" or the "Commission") makes the following findings, determination, and Order:

1. On December 14, 2006, Magellan Hill Technologies, LLC ("Magellan Hill"), 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. Magellan Hill has also filed an illustrative tariff setting forth the terms and conditions for its proposed services and its proposed dialing parity plan. Magellan Hill amended its application on May 16, 2007; and

2. Public notice of the application, including a period for filing objections, was published in the Delaware State News newspaper on January 12, 2007 and in The News Journal newspaper on January 15, 2007. No comments or objections to the application have been received. The Commission Staff reports that Magellan Hill has shown that it has the financial, technical, and managerial capabilities as required for a CPCN as set forth in the Commission's "Rules for the Provision of

Telecommunications Services."<sup>1</sup> On May 16, 2007, Magellan Hill filed an irrevocable standby Letter of Credit in the amount of Ten Thousand Dollars (\$10,000) in compliance with PSC Regulation Dockets Nos. 10 and 45; and

3. The Commission determines that a conditional CPCN should be granted to Magellan Hill authorizing it, as a public utility, to offer local exchange and competitive intrastate 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 Magellan Hill 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 Magellan Hill Technologies, LLC, to operate as a public utility and provide local exchange telecommunications services as described in the application filed on December 14, 2006 and amended on May 16, 2007.

2. That, pursuant to 26 Del. C. §§ 203A and 703(3) and the Commission's "Rules for the Provision of Telecommunications Services," a

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<sup>1</sup>Adopted in PSC Order No. 5833 (eff. Dec. 10, 2001) and amended by PSC Order No. 6839 (eff. Mar. 11, 2006).

Certificate of Public Convenience and Necessity is granted to Magellan Hill Technologies, LLC to operate as a public utility and provide competitive intrastate telecommunications services as described in the application filed on December 14, 2006 and amended on May 16, 2007.

3. That Magellan Hill Technologies, 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. Magellan Hill Technologies, 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.

4. 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 Magellan Hill Technologies, LLC intends to offer and implement local exchange telecommunications services, Magellan Hill Technologies, LLC shall file a tariff or price list with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and
- (b) That Magellan Hill Technologies, LLC has a Commission approved interconnection agreement or a filed "opt-in" agreement between Magellan Hill Technologies, LLC and Verizon Delaware Inc., or another certificated local exchange carrier.

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

5. That the intraLATA toll dialing parity plan filed by Magellan Hill Technologies, LLC is approved with the modification expressed in Staff's recommendation in their June 13, 2007 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 Magellan Hill Technologies, 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 Magellan Hill Technologies, 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 Deputy Director or Executive Director. The conduct of such a review at a location other than Delaware shall be at the Applicant's expense.

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