

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
NEUTRAL TANDEM-DELAWARE, LLC, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO PROVIDE LOCAL EXCHANGE AND) PSC DOCKET NO. 07-140
COMPETITIVE INTRASTATE TELECOMMUNICATIONS)
SERVICES WITHIN THE STATE OF DELAWARE)
(FILED MAY 24, 2007))

FINDINGS AND ORDER NO. 7339

AND NOW, to-wit, this 8th day of January, 2008, the Public Service Commission ("PSC" or the "Commission") makes the following findings, determination, and Order:

1. On May 24, 2007, Neutral Tandem-Delaware, LLC ("Neutral Tandem" or "the Company"), filed with the Commission an application for a Certificate of Public Convenience and Necessity ("CPCN") that would allow it to provide local exchange and competitive intrastate telecommunications services within Delaware. Neutral Tandem also filed an illustrative tariff setting forth the terms and conditions for its proposed services.

2. Public notices of the application, including a period for filing objections, were published in the Delaware State News and The News Journal newspapers on July 13, 2007. No comments nor objections to the application have been received. The Commission Staff reports that Neutral Tandem has shown that it has the financial, technical, and managerial capabilities required for a certificate as set forth in the Commission's "Rules for the Provision of Telecommunications Services."¹

¹Adopted in PSC Findings, Opinion, and Order No. 5833 (Nov. 6, 2001) and as amended in PSC Order No. 6839 (Feb. 7, 2006).

On November 5, 2007, Neutral Tandem also filed an irrevocable letter of credit in the amount of Ten Thousand Dollars (\$10,000) to act as the necessary security required under the "Rules for the Provision of Telecommunications Services."

3. Neutral Tandem has requested a waiver of the requirement to file an intraLATA toll dialing parity plan at this time because Neutral Tandem will provide only transport and access services and will not provide dial-tone, switched access, or switched services of any type, and will not require the exchange of calls through any local exchange carrier.

4. The Commission determines that a Certificate of Public Convenience and Necessity should be granted to Neutral Tandem 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."

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 Certificate of Public Convenience and Necessity is granted to Neutral Tandem-Delaware, LLC, to operate as a public utility and provide local exchange and competitive intrastate telecommunications services as described in the application filed on May 24, 2007.

2. That Neutral Tandem-Delaware, 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. Neutral Tandem-Delaware, 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 Commission grants the request of Neutral Tandem-Delaware, LLC, to waive the requirement that it file and the Commission approve an intraLATA toll dialing parity plan at this time. If, in the future, Neutral Tandem-Delaware, LLC proposes to offer end-use customers access to local and long distance telecommunications services, it shall so notify the Commission and submit any required intraLATA toll dialing parity plan.

5. That the provisions of 26 Del. C. § 208(b) are waived, and Neutral Tandem-Delaware, 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.

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

7. 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

Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary