

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

IN THE MATTER OF THE APPLICATION OF )  
IBASIS RETAIL, INC., D/B/A IBASIS, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY TO PROVIDE ) PSC DOCKET NO. 08-92  
COMPETITIVE INTRASTATE TELECOMMUNI- )  
CATIONS SERVICES WITHIN THE STATE OF )  
DELAWARE (FILED APRIL 11, 2008) )

**ORDER NO. 7421**

**AND NOW**, to-wit, this 5<sup>th</sup> day of August, A.D. 2008;

**WHEREAS**, on April 11, 2008, iBasis Retail, Inc., d/b/a iBasis ("iBasis Retail"), filed an application with the Delaware Public Service Commission ("PSC" or "Commission") for a Certificate of Public Convenience and Necessity ("CPCN") to provide competitive intrastate telecommunications services to the public between and among all points throughout the State of Delaware. iBasis Retail has also filed a proposed tariff setting forth the rates, terms, and conditions for its proposed services;

**AND WHEREAS**, iBasis Retail, as a part of its application for a CPCN, requested approval of a Letter of Credit in lieu of a Bond with Surety, as permitted under Rule No. 4(f)(ii) of the Commission's "Rules for the Provision of Telecommunications Services" regarding the filing of a Bond and Surety;

**AND WHEREAS**, the PSC has reviewed the application of iBasis Retail for a CPCN and has determined that the application, as filed on April 11, 2008, satisfies the minimum requirements of the Commission's "Rules for the Provision of Telecommunications Services;"<sup>1</sup>

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

**AND WHEREAS**, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to iBasis Retail, authorizing it, as a public utility, to offer telecommunications services under the provision of the Commission's "Rules for the Provision of Telecommunications Services;"

**AND WHEREAS**, the Commission, after publication of notice, has not received any protest concerning the proposed granting of such Certification to the Applicant; 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 iBasis Retail, Inc., d/b/a iBasis, to operate as a public utility and provide intrastate telecommunications services as described in the application filed on April 11, 2008, and as specified in the Tariff the Applicant has on file with the Commission as the same may, from time to time, be amended. Such Certificate is effective on the date of this Order.

2. That iBasis Retail, Inc., d/b/a iBasis, shall provide 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. iBasis Retail, Inc., d/b/a iBasis, 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 provisions of 26 Del. C. § 208(b) are waived, and iBasis Retail, Inc., d/b/a iBasis, 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 Executive Director. The conduct of such a review at a location other than Delaware shall be at the Applicant's expense.

4. That iBasis Retail, Inc., d/b/a iBasis, shall comply with all state and federal statutes and rules relating to a customer's selection of a preferred carrier of telecommunications services. iBasis Retail, Inc., d/b/a iBasis, 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.

5. That the Commission hereby waives the requirement of a Bond with Surety under Rule 4(f)(ii) because the Applicant has filed with the Commission, pursuant to Rule 4(f)(iii), an irrevocable stand-by Letter of Credit in the principal amount of Ten Thousand Dollars (\$10,000) to act as the necessary security required under the "Rules for the Provision of Telecommunications Services."

6. That a continuing condition for the waiver of the full application of Rule 4(f)(ii) is that iBasis Retail, Inc., d/b/a iBasis, file with the Commission a verified report of its Delaware gross intrastate operating revenue semi-annually on or before the first day of October and April in each year until further Order of the Commission.

7. That a further continuing condition for the waiver of the full application of Rule 4(f)(ii) is that iBasis Retail, Inc., d/b/a iBasis, will, within sixty (60) days from the filing of a semi-annual report, which reports Delaware gross intrastate operating revenues of Six Thousand Six Hundred and Sixty Seven Dollars (\$6,667) or more, file with the Commission a duly executed and revised stand-by Letter of Credit

