

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

IN THE MATTER OF THE APPLICATION OF)
NEW HORIZONS COMMUNICATIONS CORP. FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO PROVIDE LOCAL EXCHANGE AND)
COMPETITIVE INTRASTATE TELECOMMUNICATIONS) PSC DOCKET NO. 08-45
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 FEBRUARY 25, 2008))

FINDINGS AND ORDER NO. 7423

This 19th day of August, 2008, the Public Service Commission ("PSC" or the "Commission") makes the following findings, determination, and Order:

1. On February 25, 2008, New Horizons Communications Corp. ("New Horizons") 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. New Horizons has also filed an illustrative tariff setting forth the terms and conditions for its proposed services and its proposed dialing parity plan; and

2. Public notice of the application, including a period for filing objections, was published in the Delaware State News and The News Journal newspapers on March 21, 2008. No comments or objections to the application have been received. The Commission Staff reports that New Horizons 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."¹ Included in

¹Adopted in PSC Order No. 5833 (eff. Dec. 10, 2001) and amended by PSC

New Horizons' February 25, 2008 application was a surety bond in the amount of Ten Thousand Dollars (\$10,000) with corporate surety licensed to do business in Delaware; and

3. The Commission determines that a conditional CPCN should be granted to New Horizons 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 New Horizons 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 New Horizons Communications Corp. to operate as a public utility and provide local exchange telecommunications services as described in the application filed on February 25, 2008.

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 New Horizons Communications Corp. to operate as a public utility and provide

Order No. 6839 (eff. Mar. 11, 2006).

competitive intrastate telecommunications services as described in the application filed on February 25, 2008.

3. That New Horizons Communications Corp. 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. New Horizons Communications Corp. 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:²

(a) That ten (10) days prior to the date New Horizons Communications Corp. intends to offer and implement local exchange telecommunications services, New Horizons Communications Corp. shall file a tariff or price list with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and

(b) That New Horizons Communications Corp. has a Commission approved interconnection agreement or a filed "opt-in" agreement between New Horizons Communications Corp. and Verizon Delaware LLC or another certificated local exchange carrier.

5. That the intraLATA toll dialing parity plan filed by New Horizons Communications Corp. is approved with the modification expressed in Staff's recommendation in their July 31, 2008 memorandum. The

²These conditions must be completed within 6 months of the date of this Order.

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 New Horizons Communications Corp. 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 New Horizons Communications Corp. 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.

7. That New Horizons Communications Corp., shall comply with all state and federal statutes and rules relating to a customer's selection of a preferred carrier of telecommunications services. New Horizons Communications Corp., 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

Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Dallas Winslow
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary