

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
VOXNET, LLC, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO PROVIDE LOCAL)
EXCHANGE AND COMPETITIVE INTRASTATE)
TELECOMMUNICATIONS SERVICES WITHIN THE) PSC DOCKET NO. 07-279
STATE OF DELAWARE, AND FOR REVIEW OF A)
PLAN FOR PROVIDING TOLL DIALING PARITY IN)
ACCORDANCE WITH FEDERAL COMMUNICATIONS)
COMMISSION REQUIREMENTS (FILED OCTOBER 25,)
2007 AND AMENDED SEPTEMBER 23, 2008))

FINDINGS AND ORDER NO. 7459

This 7th day of October, 2008, the Public Service Commission ("PSC" or the "Commission") makes the following findings, determination, and Order:

1. On October 15, 2007, VOXNET, LLC ("VOXNET" 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. VOXNET also filed an illustrative tariff setting forth the terms and conditions for its proposed services and its proposed dialing parity plan. VOXNET amended its application on September 23, 2008.

2. VOXNET, as part of its application for CPCNs, expressly sought a waiver of the provisions of 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, on September 23, 2008, VOXNET 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. Public notices of the application, including a period for filing objections, were published in The News Journal newspaper on November 8, 2007 and the Delaware State News newspaper on November 9, 2007. No comments nor objections to the application have been received. The Commission Staff reports that VOXNET 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

4. The Commission determines that a conditional CPCN should be granted to VOXNET 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.

5. The Commission determines that a CPCN should be granted to VOXNET 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 VOXNET, LLC to operate as a public utility and provide local exchange telecommunications services as described in the application filed on October 15, 2007 and amended on September 23, 2008.

¹Adopted in PSC Findings, Opinion, and Order No. 5833 (Nov. 6, 2001) and as amended in PSC Order No. 6839 (Feb. 7, 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 VOXNET, LLC to operate as a public utility and provide competitive intrastate telecommunications services as described in the application filed on October 15, 2007, and amended on September 23, 2008.

3. That VOXNET, 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.

VOXNET, 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:²

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

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

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

5. That the intraLATA toll dialing parity plan filed by VOXNET, LLC is approved with the modification expressed in Staff's recommendation in their October 1, 2008 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 VOXNET, 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 VOXNET, 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 Executive Director. The conduct of such a review at a location other than Delaware shall be at the Applicant's expense.

7. VOXNET, LLC shall comply with all state and federal statutes and rules relating to a customer's selection of a preferred carrier of telecommunications services. VOXNET, 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 the Commission hereby waives the application of Rule 4(f)(ii) because the Applicant has filed with the Commission 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."

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

10. 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