

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

IN THE MATTER OF THE APPLICATION OF)
CHOICE ONE COMMUNICATIONS RESALE LLC,)
D/B/A ONE COMMUNICATIONS FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY TO)
PROVIDE COMPETITIVE INTRASTATE AND LOCAL) PSC DOCKET NO. 09-214
EXCHANGE TELECOMMUNICATIONS SERVICES WITHIN)
THE STATE OF DELAWARE, AND FOR A REVIEW OF)
A PLAN FOR PROVIDING INTRALATA TOLL DIALING)
PARITY IN ACCORDANCE WITH FEDERAL COMM-)
UNICATIONS COMMISSION REQUIREMENTS)
(FILED MAY 18, 2009))

FINDINGS AND ORDER NO. 7674

This 20th day of October 2009, the Public Service Commission ("PSC" or the "Commission") makes the following findings, determination, and Order:

1. On May 18, 2009, Choice One Communications Resale LLC, d/b/a One Communications ("Choice One" or "the Company"), 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. Choice One has also filed an illustrative tariff setting forth the terms and conditions for its proposed services; and

2. Public notice of the application, including a period for filing objections, was published in the Delaware State News newspaper on June 27, 2009 and in The News Journal newspaper on July 2, 2009. No comments or objections to the application have been received. The Commission Staff reports that C 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 On August 11, 2009, Choice One filed a surety bond in the amount of Fifty Thousand Dollars (\$50,000) with corporate surety licensed to do business in Delaware; and

3. The Commission determines that a conditional CPCN should be granted to Choice One authorizing it, as a public utility, to offer local exchange 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 5; and

4. The Commission determines that a CPCN should be granted to Choice One 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 HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

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 Choice One Communications Resale LLC, d/b/a One Communications to operate as a public utility and provide local exchange telecommunications services as described in the application filed on May 18, 2009.

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 Choice One Communications Resale LLC, d/b/a One Communications to operate as a

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

public utility and provide competitive intrastate telecommunications services as described in the application filed on May 18, 2009.

3. That Choice One Communications Resale LLC, d/b/a One Communications 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. Choice One Communications Resale LLC, d/b/a One Communications 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 Choice One Communications Resale LLC, d/b/a One Communications intends to offer and implement local exchange telecommunications services, Choice One Communications Resale LLC, d/b/a One Communications shall file a tariff or price list with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and
- (b) That Choice One Resale LLC, d/b/a One Communications has a Commission approved interconnection agreement or a filed "opt-in" agreement between Choice One Resale LLC, d/b/a One Communications 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 provisions of 26 Del. C. § 208(b) are waived, and Choice One Communications Resale LLC, d/b/a One Communications 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:

Chair

Joann T. Conaway
Commissioner

Jeffrey J. Clark
Commissioner

PSC Docket No. 09-214, Order No. 7674 Con't

Jaymes B. Lester
Commissioner

Commissioner

ATTEST:

Katie Rochester
Acting Secretary
