

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF )  
LIGHTOWER FIBER NETWORKS I, LLC FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO PROVIDE RESOLD AND ) PSC Docket No. 14-0569  
FACILITIES-BASED LOCAL EXCHANGE AND )  
COMPETITIVE INTRASTATE )  
TELECOMMUNICATIONS SERVICES WITHIN )  
THE STATE OF DELAWARE )  
(FILED DECEMBER 15, 2014) )

ORDER NO. 8711

AND NOW, this 3<sup>rd</sup> day of March, 2015, the Delaware Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on December 15, 2014, Lightower Fiber Networks I, LLC ("LFN-I") filed an application (the "Application") with the Commission seeking a Certificate of Public Convenience and Necessity ("CPCN") to allow it to provide resold and facilities-based local exchange and competitive intrastate telecommunications services within the State of Delaware. LFN-I also requested a waiver of the requirements of 26 Del. C. §208(b) and 26 Del. Admin. C. §4001-10.2. In addition, LFN-I has elected to be governed under Subchapter VII-A, Chapter 1 of Title 26 of the Delaware Code and does not intend to provide basic services as defined in 26 Del. C. §705(a), including switched access services, and is not filing a tariff; and

WHEREAS, LFN-IN provided the appropriate affidavits of publication of notice of the Application in The News Journal and the Delaware State News. The Commission Staff ("Staff") reports

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that it received no formal comments or objections regarding the Application within the required 20-day notice period; and

**WHEREAS**, Staff reports that LFN-I has provided sufficient information evidencing that it has the financial, technical, and operational capabilities required for a CPCN as set forth in the Delaware Code and the Commission's "Rules for the Provision of Telecommunications Services," 26 *Del. Admin. C.* §4001 (the "Rules"); and

**WHEREAS**, the Commission determines that a CPCN should be granted to LFN-I to authorize it, as a public utility, to offer resold and facilities-based local exchange and competitive intrastate telecommunications services under the provisions of the Delaware Code and the Rules subject to the conditions set forth below;

**NOW THEREFORE, IT IS ORDERED BY THE AFFIRMATIVE VOTE  
OF NOT FEWER THAN THREE COMMISSIONERS:**

1. pursuant to 26 *Del. C.* §203A and Subchapter VII-A, Chapter 1 of Title 26 of the Delaware Code and the Rules, the Commission grants to LFN-I a CPCN to operate as a public utility and provide resold and facilities-based local exchange and competitive intrastate telecommunications services as described in the Application.

2. LFN-I shall provide telecommunications services in the manner required by the Rules and at all times shall comply with all applicable provisions of the Delaware Code, the Commission's

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Rules and Regulations, and all other applicable laws, rules, regulations, and orders.

3. Prior to providing analog or time-division multiplexing ("TDM") voice service or any service that requires the incumbent carrier to assist in terminating or exchanging traditional analog traffic, LFN-I shall either (i) have in place a Commission-approved interconnection agreement or (ii) file an "opt-in" agreement between LFN-I and Verizon Delaware LLC or another certificated local exchange carrier.

4. The provisions of 26 Del. C. §208(b) are waived, and LFN-I 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, LFN-I shall provide to the Commission at its Dover, Delaware office, in a timely manner and upon the written request of the Commission's Executive Director, all such books and records relating to LFN-I's Delaware operations as the Commission may deem reasonably necessary from time to time for review and copying. If the Commission must review the Delaware-related books and records of LFN-I at a location other than at the Commission's Dover, Delaware office, LFN-I shall pay for the expenses of such review.

5. A violation of this Order, the Commission's Rules and Regulations, or other applicable law, rule, regulation, or order may result in suspension or revocation of the CPCN.

