



STATE OF DELAWARE

PUBLIC SERVICE COMMISSION
861 SILVER LAKE BLVD.
CANNON BUILDING, SUITE 100
DOVER, DELAWARE 19904

TELEPHONE: (302) 736-7500
FAX: (302) 739-4849

March 7, 2016

MEMORANDUM

TO: The Chair and Members of the Commission

FROM: Toni Loper, Public Utility Analyst 

SUBJECT: IN THE MATTER OF THE APPLICATION OF BAY COUNTRY COMMUNICATIONS, INC. d/b/a BCCIT, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE TELECOMMUNICATION SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED DECEMBER 1, 2015; FILED MARCH 2, 2016) - PSC DOCKET No. 15-1606

Background

On March 2, 2016, Bay Country Communications, Inc. d/b/a BCCIT, LLC ("BCCIT, LLC" or the "Company") filed an application (the "Application") with the Delaware Public Service Commission ("Commission") for a Certificate of Public Convenience and Necessity ("CPCN") to provide telecommunications services to the public with the State of Delaware, specifically in Sussex County. The Delaware Public Service Commission Staff ("Staff") has reviewed the Application to determine its compliance with Delaware Law and the Rules and Regulations promulgated in 26 *Del. Admin. C.* §4001.

Application

The Company's original filing was submitted on December 1, 2015, but the submitted Application did not meet the minimum filing requirements ("MFR's"). Staff requested the Company file the following additional documentation: a) a copy of the Delaware business license, b) a copy of the certificate of good standing issued by the Delaware Secretary of State, c) the name, address, and telephone number of a Delaware Register Agent, d) a description of the services being offered in Delaware, e) a list of states where the Company is currently providing services or has pending applications, f) professional resumes for each principal or officer responsible for Delaware operations, and g) a signed, sworn verification for the original Application¹ and for any subsequent filings in support of the Application.

¹ The Company filed a signed, sworn verification on January 20, 2016.

Financial, Operational, Managerial and Technical Ability

To demonstrate its financial capability, BCCiT, LLC provided to Staff Company officer verified consolidated financial statements, reflecting its financial status as of September 1, 2015.

The Company anticipates serving customers in Sussex County by providing dark fiber connectivity to commercial institutions in Sussex County. To demonstrate its technical and operational capabilities, the Company provided Staff with professional resumes of its principal officers. Additionally, the Company also currently provides service in Maryland and did not indicate that they have applications pending in any other jurisdiction.

Pursuant to 26 *Del. Admin. C.* §4001-4.3, a copy of the Application was provided to the Division of the Public Advocate, through the Commission's electronic filing system DelaFile, and public notice of the Application was published in the Coastal Point and The Sussex County Post newspapers on January 29, 2016. Staff reports that it received no formal comments or objections to the Company's Application for a CPCN.

Tariff

The Company did not provide initial tariff sheets or price sheets as required in 26 *Del. Admin. C.* §4001-4.5.1 as they do not provide switched access service which is the only service required to comply with this section.

Waiver

As part of its Application, the Company requested a waiver of the provisions of 26 *Del. C.* §208(b) so that it may maintain its books and records relating to its Delaware operations outside of the State of Delaware. Additionally, the Company requested that the Commission not require that the Company secure an interconnection agreement with an incumbent carrier, as it is not necessary for the provision of service and will delay the ability of Delaware customers to purchase services from it. Staff believes that the waiver request to maintain the Company's books and records outside of Delaware and the request by the Company that it not be required to secure an interconnection agreement is reasonable and Staff recommends that the Commission grant both the waiver and the request.

In the Application the applicant asserts that it is requesting the CPCN in order to provide service only in Sussex County. Staff has informed the Company that if, in the future, the Company would like to expand services to other areas within the State of Delaware, or provide additional services which would require an interconnection agreement they would be required to file an amendment to the CPCN for approval by the Commission.

Staff Recommendation

Based on Staff's review and analysis, the Company has shown that it has the financial, operational, and technical means to provide telecommunications services in Delaware. Therefore, Staff recommends that the Commission grant BCCiT, LLC a CPCN to provide telecommunications services within Sussex County, Delaware.