

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

IN THE MATTER OF THE APPLICATION)
OF MOBILITIE MANAGEMENT, LLC FOR)
A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
PROVIDE LOCAL EXCHANGE) PSC DOCKET NO. 16-0314
TELECOMMUNICATIONS SERVICES)
WITHIN THE STATE OF DELAWARE)
(SUBMITTED APRIL 7, 2016;)
FILED JUNE 29, 2016))

ORDER NO. 8972

AND NOW, this 1st day of November, 2016, the Delaware Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on April 7, 2016, Mobilitie Management, LLC ("Mobilitie Management" or the "Company") filed an application (the "Application") with the Commission seeking a Certificate of Public Convenience and Necessity ("CPCN") to allow it to provide local exchange telecommunication services within the State of Delaware. Mobilitie Management also requested a waiver of the requirements of 26 Del. C. §208(b) to maintain its books and records relating to its Delaware operations outside of the State of Delaware; and

WHEREAS, Mobilitie Management provided the appropriate affidavit of publication of notice of the Application in Delaware State News. The Commission Staff ("Staff") reports that it received no formal comments or objections regarding the Application within the required 20-day notice period; and

WHEREAS, because Mobilitie Management, LLC will not be providing switched access services, a tariff is not required and has not been provided with the Application; and

WHEREAS, Staff reports that Mobilitie Management has provided sufficient information evidencing that it has the financial, technical, and operational capabilities required for a CPCN as set forth in the Section 203A of Title 26 of 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 Mobilitie Management to authorize it, as a public utility, to offer telecommunications services under the provisions of 26 *Del. C.* §203A 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. That 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 Mobilitie Management a CPCN to operate as a public utility and provide local exchange telecommunication services in the State of Delaware as described in the Application. This grant of the Application is expressly conditioned on the pledge that Mobilitie Management will not initiate any traditional switched services or any service that requires the incumbent carrier to assist in terminating or exchanging traditional analog traffic prior to entering into an interconnection agreement or similar agreement with

an incumbent and submitting such agreement to the Commission.

2. That if Mobilitie Management changes its business plans in the future and decides to offer voice-grade telecommunications services, it shall notify the Commission of its decision to offer such services and first obtain a Commission-approved interconnection agreement or the equivalent Commission approval before offering such voice-grade services.

3. That Mobilitie Management 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 Rules and Regulations, and all other applicable laws, rules, regulations, and orders.

4. That the provisions of 26 Del. C. §208(b) are waived, and Mobilitie Management 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, Mobilitie Management 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 Mobilitie Management'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 Mobilitie Management at a location other than at the Commission's Dover, Delaware office, Mobilitie Management shall pay for the expenses of such review.

5. That Mobilitie Management shall comply with all state and

federal statutes and rules relating to a customer's selection of a preferred carrier of telecommunications services. Mobilitie Management 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

6. That 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.

7. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chair

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary