

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

IN THE MATTER OF THE APPLICATION OF PWT)
SERVICES, INC., D/B/A PAC-WEST TELECOMM,)
INC., FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO PROVIDE LOCAL)
EXCHANGE AND COMPETITIVE INTRASTATE TELE-)
COMMUNICATIONS SERVICES WITHIN THE STATE) PSC DOCKET NO. 05-318
OF DELAWARE, AND FOR REVIEW OF A PLAN FOR)
PROVIDING INTRALATA TOLL DIALING PARITY)
IN ACCORDANCE WITH FEDERAL COMMUNICATIONS)
COMMISSION REQUIREMENTS)
(SEPTEMBER 1, 2005))

FINDINGS AND ORDER NO. 6785

AND NOW, to-wit, this 22nd day of November, 2005, the Public Service Commission ("PSC" or the "Commission") makes the following findings, determination, and Order:

1. On September 1, 2005, PWT Services, Inc., d/b/a Pac-West Telecomm, Inc. ("Pac-West"), 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. Pac-West has also filed an illustrative tariff setting forth the terms and conditions for its proposed services and its proposed dialing parity plan; and

2. Public notice of the application, including a period for filing objections, was published in The News Journal and the Delaware State News newspapers on September 22, 2005. No comments or objections to the application have been received. The Commission Staff reports that Pac-West has shown that it has the financial, technical, and managerial capabilities as required for a certificate as set forth in the

Commission's "Rules for the Provision of Telecommunications Services."¹
On November 10, 2005, Pac-West filed a performance bond in the amount of
Ten Thousand Dollars (\$10,000) with corporate surety licensed to do
business in Delaware; and,

3. The Commission determines that a conditional CPCN should be
granted to Pac-West 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 4;

4. The Commission determines that a CPCN should be granted to Pac-
West 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
PWT Services, Inc., d/b/a Pac-West Networks, to operate as a public
utility and provide local exchange telecommunications services as
described in the application filed on September 1, 2005.

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 PWT

¹Adopted in PSC Order No. 5833 (eff. Dec. 10, 2001).

Services, Inc., d/b/a Pac-West Networks, to operate as a public utility and provide competitive intrastate telecommunications services as described in the application filed on September 1, 2005.

3. That PWT Services, Inc., d/b/a Pac-West Networks, 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. PWT Services, Inc., d/b/a Pac-West Networks, 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 PWT Services, Inc., d/b/a Pac-West Networks, intends to offer and implement local exchange telecommunications services, PWT Services, Inc., d/b/a Pac-West Networks, shall file a tariff or price list with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and
- (b) That PWT Services, Inc., d/b/a Pac-West Networks, has a Commission approved interconnection agreement or a filed "opt-in" agreement between PWT Services, Inc., d/b/a Pac-West Networks, and Verizon Delaware Inc., 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 PWT Services, Inc., d/b/a Pac-West Networks, is approved with the modification expressed in Staff's recommendation in their November 15, 2005 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 PWT Services, Inc., d/b/a Pac-West Networks, 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 PWT Services, Inc., d/b/a Pac-West Networks, 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 Chief of Technical Services or Executive Director. The conduct of such a review at a location other than Delaware shall be at the Applicant's expense.

7. That PWT Services, Inc., d/b/a Pac-West Networks, shall comply with all state and federal statutes and rules relating to a customer's selection of a preferred carrier of telecommunications services. PWT Services, Inc., d/b/a Pac-West Networks, 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 a violation of the "Rules for the Provision of Telecommunications Services" may result in suspension or revocation of this Certificate.

9. 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/ Jeffrey J. Clark
Commissioner

/s/ Dallas Winslow
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary