

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
TNCI OPERATING COMPANY LLC FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO PROVIDE COMPETITIVE LOCAL)
EXCHANGE AND INTRASTATE INTEREXCHANGE)
TELECOMMUNICATIONS SERVICES WITHIN THE)
STATE OF DELAWARE AND FOR REVIEW OF A) PSC Docket No. 13-190
PLAN FOR PROVIDING INTRALATA TOLL)
DIALING PARITY IN ACCORDANCE WITH)
FEDERAL COMMUNICATIONS COMMISSION)
REQUIREMENTS - (FILED April 19, 2013))

ORDER NO. 8440

AND NOW, this 13th day of August, 2013, the Delaware Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on April 19, 2013, TNCI Operating Company LLC ("TNCI") filed an application (the "Application") with the Commission seeking a Certificate of Public Convenience and Necessity ("CPCN") to allow it to provide competitive local exchange and intrastate interexchange telecommunications services within the State of Delaware. TNCI also requested a waiver of the requirement of 26 Del. C. §208(b). With its Application, TNCI also filed illustrative tariffs setting forth the terms and conditions of its proposed services; and

WHEREAS, TNCI 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 that it received no formal comments or objections on the Application within the required 20-day notice period. Staff reports that TNCI represents that it is currently authorized to provide telecommunications services in

Montana. In addition, Staff reports that TNCI has provided sufficient information evidencing that it has the financial, technical, and managerial 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 TNCI to authorize it, as a public utility, to offer local exchange and other competitive intrastate telecommunications services under the provisions 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. That pursuant to 26 *Del. C.* §§ 203A and 703(4) and the Rules, the Commission grants to TNCI Operating Company LLC ("TNCI") a Certificate of Public Convenience and Necessity ("CPCN") to operate as a public utility and provide competitive local telecommunications exchange services and other competitive intrastate telecommunications services as described in the Application.

2. That TNCI shall provide intrastate interexchange 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. TNCI 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.

3. That the CPCN for competitive local telecommunications exchange services and other competitive intrastate telecommunications services is awarded upon, and subject to, the following conditions:¹

(a) That ten (10) days prior to the date TNCI intends to offer and implement local exchange telecommunications services, TNCI shall file with the Commission an initial tariff with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and

(b) That, before filing an initial tariff, TNCI shall either (i) have in place a Commission-approved interconnection agreement or (ii) file an "opt-in" agreement between TNCI and Verizon Delaware LLC or another certificated local exchange carrier.

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

¹ These conditions must be completed within 6 months of the date of this Order.

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

6. 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:

/s/ Dallas Winslow
Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary