

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF )  
TW TELECOM DATA SERVICES LLC FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO PROVIDE COMPETITIVE )  
FACILITIES-BASED AND RESOLD LOCAL ) PSC Docket No. 14-117  
EXCHANGE AND INTRSTATE LONG DISTANCE )  
TELECOMMUNICATIONS SERVICES WITHIN THE )  
STATE OF DELAWARE )  
(FILED MARCH 21, 2014) )

ORDER NO. 8591

AND NOW, this 5<sup>th</sup> day of August, 2014, the Delaware Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on March 21, 2014, tw telecom data services, llc ("tw telecom") filed an application (the "Application") with the Commission seeking a Certificate of Public Convenience and Necessity ("CPCN") to allow it to provide competitive facilities-based and resold local exchange and intrastate Long Distance telecommunications services within the State of Delaware. tw telecom also requested a waiver of the requirement of 26 Del. C. §208(b). With its Application, tw telecom also filed illustrative tariffs setting forth the terms and conditions of its proposed services; and

WHEREAS, tw telecom 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 tw telecom represents that it is currently authorized to provide telecommunications services in eight states, including Connecticut,

Massachusetts, Michigan, Nebraska, Pennsylvania, New Hampshire, Rhode Island, and South Dakota, with applications pending in several other states. In addition, Staff reports that tw telecom 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 tw telecom 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 tw telecom data services, llc ("tw telecom") 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 tw telecom 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.

3. That the CPCN for competitive local telecommunications exchange services and other competitive intrastate telecommunications services is awarded upon, and subject to, the following condition:<sup>1</sup>

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

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

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.

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<sup>1</sup> These conditions must be completed within 6 months of the date of this Order.

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

/s/ Harold B. Gray  
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary