

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

IN THE MATTER OF THE APPLICATION OF)
BROADBAND DYNAMICS, L.L.C. FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE COMPETITIVE) PSC DOCKET NO. 12-258
INTEREXCHANGE INTRASTATE LONG DISTANCE))
TELECOMMUNICATIONS SERVICES WITHIN)
THE STATE OF DELAWARE)
(FILED JUNE 11, 2012))

ORDER NO. 8231

AND NOW, to-wit, this 9th day of October 2012, the Commission determines and orders the following:

WHEREAS, on June 11, 2012, Broadband Dynamics, L.L.C. ("Broadband") filed an application (the "Application") with the Delaware Public Service Commission (the "Commission") seeking a Certificate of Public Convenience and Necessity ("CPCN") to allow it to provide competitive interexchange intrastate long distance telecommunications services within the State of Delaware; and

WHEREAS, Broadband also requested, as part of its Application, that the Commission waive the requirement set forth in 26 *Del. C.* §208(b) so that Broadband may maintain in an office outside the State of Delaware its books, accounts, papers, records, and memoranda which relate to its Delaware operations; and

WHEREAS, a copy of the Application was provided to the Division of the Public Advocate, and public notice of the Application, including a period for filing objections, was published in The News Journal and the Delaware State News newspapers on June 28, 2012; and

WHEREAS, the Commission Staff ("Staff") did not receive any timely comments or objections to the Application; and

WHEREAS, Staff reports that Broadband, an Arizona limited liability company that is legally authorized and qualified to do business in the State of Delaware, represents that it is currently authorized to provide telecommunications services in forty-one (41) other states, has provided Staff with a plan identifying intrastate versus interstate traffic, has posted a \$10,000 performance bond with a Delaware surety, has provided an initial tariff, and has demonstrated that it has the financial, operational, and technical ability to render service within the State of Delaware as required by 26 *Del. Admin. C.* §§4001-4.4, 4.5, 4.6.1, 4.8.1, and 4.9 for a CPCN; and

WHEREAS, the Commission determines that a CPCN should be granted to Broadband to authorize it, as a public utility, to offer competitive interexchange intrastate long distance telecommunications services under the provisions of the Commission's Rules (26 *Del. Admin. C.* §4001 et seq.), subject to the condition that Broadband completes the conditions described in the Ordering Paragraphs;

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. That pursuant to 26 *Del. C.* §§203A and 703(3) and the Commission's "Rules for the Provision of Telecommunications Services" (26 *Del. Admin. C.* §4001 et seq.) (the "Rules"), a Certificate of Public Convenience and Necessity ("CPCN") is hereby granted to Broadband Dynamics, L.L.C. to operate as a

public utility and provide interexchange intrastate long distance telecommunications services as described in the Application filed on June 11, 2012. Such CPCN is effective on the date of this Order.

2. That Broadband Dynamics, L.L.C. shall provide interexchange intrastate long distance telecommunications services in the manner required by the Communication's Rules and at all times shall comply with all applicable provisions of such Rules and the Delaware Code. Broadband Dynamics, L.L.C. shall also file returns and pay all assessments and fees as may be required by the provisions of 26 *Del. C.* §§114 and 115.

3. That the provisions of 26 *Del. C.* §208(b) are hereby waived, and Broadband Dynamics, L.L.C. is authorized to maintain outside the State of Delaware its books, accounts, papers, records, and memoranda that are related to its Delaware operations, provided, however, and upon the condition that, Broadband Dynamics, L.L.C. 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, accounts, papers, records, and memoranda relating to Broadband Dynamics, L.L.C.'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, accounts, papers, records, and/or memoranda of Broadband Dynamics, L.L.C. at a location other than at the Commission's

Dover, Delaware office, Broadband Dynamics, L.L.C. shall pay for the expenses of such review.

5. That a violation of this Order, the Delaware Code, the Commission's Rules and Regulations, or other applicable law, rule, or regulation 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:

Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jeffrey J. Clark
Commissioner

/s/ Jaymes B. Lester
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary