

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
COMMON POINT LLC FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY TO)
PROVIDE COMPETITIVE LOCAL EXCHANGE)
AND INTRASTATE INTEREXCHANGE)
TELECOMMUNICATIONS SERVICES WITHIN THE) PSC DOCKET NO. 12-560
STATE OF DELAWARE)
(FILED DECEMBER 19, 2012, AMENDED)
FEBRUARY 26, 2013))

ORDER NO. 8362

AND NOW, this 23rd day of April 2013, the Commission determines and orders the following:

WHEREAS, on December 19, 2012, Common Point LLC("Common Point") 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 local exchange and intrastate interexchange telecommunications services within the State of Delaware. With its Application, Common Point also filed an illustrative tariff setting forth the terms and conditions of its proposed services; and

WHEREAS, public notice of the Application, including a period for filing objections, was published in The News Journal on February 8, 2013 and the Delaware State News on February 13, 2013. The Commission Staff ("Staff") reports that it received no formal comments or objections on the Application. Staff reports that Common Point represents that it is currently authorized to provide telecommunications services in more than thirty-five (35) states; and

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has shown that it has the financial, technical, and managerial capabilities required for a CPCN as set forth in the Commission's "Rules for the Provision of Telecommunications Services." See 26 *Del. Admin. C.* §4001 (the "Rules");

WHEREAS, the Commission determines that a CPCN should be granted to Common Point to authorize it, as a public utility, to offer local exchange and other competitive intrastate telecommunications services under the provisions of the Commission's Rules subject to the condition that Common Point completes the conditions described in the Ordering Paragraphs;

**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(3) and the Commission's "Rules for the Provision of Telecommunications Services" (26 *Del. Admin. C.* §4001) (the "Rules"), a Certificate of Public Convenience and Necessity ("CPCN") is hereby granted to Common Point LLC to operate as a public utility and provide competitive local exchange and interstate interexchange telecommunications services as described in the Application filed on December 19, 2012 and amended on February 26, 2013. Such CPCN is effective on the date of this Order.

2. That Common Point LLC shall provide intrastate telecommunications services in the manner required by the Commission's Rules and at all times shall comply with all applicable provisions of such Rules. Common Point LLC 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 local exchange telecommunications services is awarded upon, and subject to, the following condition:¹

- (a) That ten (10) days prior to the date Common Point LLC intends to offer and implement local exchange telecommunications services, Common Point LLC 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, Common Point LLC either (i) shall have in place a Commission-approved interconnection agreement or a wholesale agreement with another carrier or (ii) shall file an "opt-in" agreement between Common Point LLC and Verizon Delaware LLC or another certificated local exchange carrier.

4. That the provisions of 26 *Del. C.* § 208(b) are waived, and Common Point LLC is authorized to maintain outside of the State of Delaware its books and records relating to its Delaware operations; provided, however, and upon the condition that, Common Point LLC 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 Common Point LLC'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 Common Point LLC at a

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

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location other than at the Commission's Dover, Delaware office, Common Point LLC 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 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

Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary