

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

IN THE MATTER OF THE APPLICATION OF )  
KENTUCKY DATA LINK, INC. FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE ) PSC DOCKET NO. 10-66  
AND NECESSITY TO PROVIDE )  
COMPETITIVE LOCAL EXCHANGE AND )  
INTRASTATE TELECOMMUNICATIONS )  
SERVICES WITHIN THE STATE OF )  
DELAWARE (FILED FEBRUARY 18, 2010) )

**ORDER NO. 7758**

**AND NOW**, this 20<sup>th</sup> day of April 2010:

**WHEREAS**, on February 18, 2010, Kentucky Data Link, Inc. ("KDL" or "the Company"), 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. KDL has also filed an illustrative tariff setting forth the terms and conditions for its proposed services; and

**WHEREAS**, public notice of the application, including a period for filing objections, was published in the Delaware State News newspaper on March 9, 2010 and in The News Journal newspaper on March 4, 2010. No comments or objections to the application have been received. The Commission Staff reports that KDL has shown that it has the financial, technical, and managerial capabilities as required for a CPCN as set forth in the Commission's "Rules for the Provision of Telecommunications Services." (the "Rules"). See 26 Del. Admin. C §4001, et. seq. On March 29, 2010, KDL filed a Letter of Credit in the amount of Ten Thousand Dollars (\$10,000) from a financial institution that does business in Delaware; and

**WHEREAS**, the Commission determines that a conditional CPCN should be granted to KDL authorizing it, as a public utility, to offer local exchange and competitive intrastate telecommunications services under the provisions of the Commission's Rules until the Company completes the conditions described in Ordering Paragraph 4.

**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," a conditional Certificate of Public Convenience and Necessity is granted to Kentucky Data Link., to operate as a public utility and provide local exchange telecommunications services as described in the application filed on December 30, 2009.

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 Kentucky Data Link, Inc. to operate as a public utility and provide competitive intrastate telecommunications services as described in the application filed on December 30, 2009.

3. That Kentucky Data Link, Inc. 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. Kentucky Data Link, Inc. 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:<sup>1</sup>

- (a) That ten (10) days prior to the date Kentucky Data Link, Inc., Inc. intends to offer and implement local exchange telecommunications services, Kentucky Data Link, Inc. shall file a tariff or price list with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and
- (b) That Kentucky Data Link, Inc. has a Commission approved interconnection agreement or a filed "opt-in" agreement between Kentucky Data Link, LLC and Verizon Delaware LLC, or another certificated local exchange carrier.

5. That the provisions of 26 Del. C. §208(b) are waived, and Kentucky Data Link, Inc. 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 Deputy Director or Executive Director. The conduct of such a review at a location other than Delaware shall be at the Company's expense.

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

6. That a violation of the "Rules for the Provision of Telecommunications Services" may result in suspension or revocation of this Certificate.

7. 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/ Dallas Winslow  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary