

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

IN THE MATTER OF THE APPLICATION)
OF CBeyond COMMUNICATIONS, LLC)
FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
PROVIDE COMPETITIVE LOCAL)
EXCHANGE AND INTRASTATE) PSC DOCKET NO. 10-168
TELECOMMUNICATIONS SERVICES)
WITHIN THE STATE OF DELAWARE,)
AND FOR REVIEW OF A PLAN FOR)
PROVIDING INTRALATA TOLL DIALING)
PARITY IN ACCORDANCE WITH)
FEDERAL COMMUNICATIONS)
COMMISSION REQUIREMENTS)
(FILED MAY 6, 2010))

ORDER NO. 7786

AND NOW, this 15th day of June 2010:

WHEREAS, on May 6, 2010, Cbeyond Communications, LLC ("Cbeyond" or "the Company"), filed with the Commission an application for a Certificate of Public Convenience and Necessity ("CPCN") to allow it to provide competitive local exchange and intrastate telecommunications services within Delaware. Cbeyond 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 and in The News Journal newspapers on May 19, 2010. No comments or objections to the application have been received. The Commission Staff reports that Cbeyond 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 June 10, 2010, Cbeyond filed a

letter of credit in the amount of Fifty Thousand Dollars (\$50,000) with a financial institution doing business in Delaware; and

WHEREAS, the Commission determines that a conditional CPCN should be granted to Cbeyond authorizing it, as a public utility, to offer competitive local exchange and intrastate toll telecommunications services under the provisions of the Commission's Rules and consistent with the conditions described in Ordering Paragraph 3.

**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 Cbeyond Communications, LLC to operate as a public utility and provide competitive local exchange and intrastate telecommunications services as described in the application filed on May 6, 2010.

2. That Cbeyond Communications, LLC shall provide competitive local exchange and interstate toll 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. Cbeyond Communications, 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 Certificate for local exchange telecommunications services is awarded upon, and subject to, the following conditions:¹

- (a) That Cbeyond Communications, LLC has a Commission approved interconnection agreement or a filed "opt-in"

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

agreement between Cbeyond Communications LLC and Verizon Delaware LLC, or another certificated local exchange carrier; and

- (b) That, after meeting the condition specified in Ordering Paragraph 3(a), ten(10)days prior to the date Cbeyond Communications, LLC intends to offer and implement local exchange and/or access telecommunications services, Cbeyond Communications, LLC shall file a tariff or price list 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 Cbeyond Communications, LLC 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.

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

6. 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