

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

IN THE MATTER OF THE APPLICATION )  
OF NEXTGEN COMMUNICATIONS, INC., FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO PROVIDE LOCAL EXCHANGE ) PSC DOCKET NO. 10-260  
TELECOMMUNICATIONS EXCHANGE SERVICES )  
WITHIN THE STATE OF DELAWARE )  
FILED JULY 27, 2010 )

**FINDINGS AND ORDER NO. 7856**

This 19<sup>th</sup> day of October 2010, the Public Service Commission ("PSC" or the "Commission") makes the following findings, determination, and Order:

1. **WHEREAS**, on July 27, 2010, NextGen Communications, Inc. ("NextGen" 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 telecommunications services within Delaware. NextGen has also filed an illustrative tariff setting forth the terms and conditions for its proposed services; and

2. **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 September 3, 2010. No comments or objections to the application have been received. The Commission Staff reports that NextGen 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 January 15,

2010, NextGen filed a Surety Bond in the amount of Ten Thousand Dollars (\$10,000); and

3. **WHEREAS**, the Commission determines that a conditional CPCN should be granted to NextGen authorizing it, as a public utility, to offer local exchange telecommunications services under the provisions of the Commission's "Rules for the Provision of Telecommunications Services" until the Company completes 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" (the "Rules") a conditional Certificate of Public Convenience and Necessity (a "CPCN") is granted to NextGen Communications Inc., to operate as a public utility and provide competitive local exchange telecommunications services rate as a public utility and provide local exchange telecommunications services.

2. That NextGen Communications, Inc. shall provide competitive local exchange telecommunications services in the manner required by the Commission's Rules, and shall, at all times, comply with all applicable provisions of such Rules. NextGen Communications, 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.

3. That the Certificate for local exchange telecommunications services is awarded upon, and subject to, the following conditions:<sup>1</sup>

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

- (a) That NextGen Communications, Inc. has a Commission approved interconnection agreement or a filed "opt-in" agreement between NextGen Communications, Inc. 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 NextGen Communications, Inc. intends to offer and implement local exchange and/or access telecommunications services, NextGen Communications, Inc. 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 NextGen Communications 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.

5. That a violation of this Order, the Commission rules and regulations, or other applicable law 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/ Jeffrey J. Clark  
Commissioner

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Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary