

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

IN THE MATTER OF THE APPLICATION OF )  
ZAYO BANDWIDTH, LLC FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY TO )  
PROVIDE COMPETITIVE LOCAL EXCHANGE AND )  
INTRASTATE TELECOMMUNICATIONS SERVICES ) PSC DOCKET NO. 10-270  
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 AUGUST 11, 2010) )

**ORDER NO. 7857**

**AND NOW**, this 19<sup>th</sup> day of October 2010:

**WHEREAS**, on August 11, 2010, Zayo Bandwidth, LLC ("ZB" 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. ZB 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 News Journal newspaper on September 1, 2010 and in the Delaware State News newspaper on September 10, 2010. No comments or objections to the application have been received. The Commission Staff reports that ZB 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 August 11, 2010, ZB filed a Surety Bond in the amount of Ten Thousand Dollars (\$10,000); and

**WHEREAS**, the Commission determines that a conditional CPCN should be granted to ZB 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 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 Zayo Bandwidth, LLC, to operate as a public utility and provide local exchange and intrastate telecommunications services as described in the application filed on August 11, 2010.

2. That Zayo Bandwidth, LLC 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. Zayo Bandwidth, 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:<sup>1</sup>

- (a) That ten (10) days prior to the date Zayo Bandwidth, LLC intends to offer and implement local exchange telecommunications services, Zayo Bandwidth, LLC shall file a tariff or price list

with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and

- (b) That Zayo Bandwidth, LLC has a Commission approved interconnection agreement or a filed opt-in agreement between Zayo Bandwidth, LLC and Verizon Delaware LLC, or another certificated local exchange carrier.

4. That the provisions of 26 Del. C. §208(b) are waived, and Zayo Bandwidth, 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 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.

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

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