

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE 24/7 CABLE COMPANY,)
LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE) PSC DOCKET NO. 10-445
AND NECESSITY TO PROVIDE TELECOMMUNICATION)
SERVICES WITHIN THE STATE OF DELAWARE)
(FILED DECEMBER 1, 2010))

ORDER NO. 7915

This 22nd day of February, 2011, the Commission determines and Orders the following:

1. On December 1, 2010, 24/7 Cable Company, LLC ("24/7" or the "Company"), filed an application (the "Application") with the Delaware Public Service Commission (the "Commission") for a Certificate of Public Convenience and Necessity (a "CPCN") to provide intrastate telecommunications services within the State of Delaware. In the Application, 24/7 states that it "will offer a limited number of types of telecommunications services within Delaware." (Application, ¶5). More specifically, 24/7 states it will provide certain services "via Fiber optic cable network," including: (i) "Dark Fiber Leases and long term IRU's for both Metro and Long Haul applications;" (ii) "Optical Transport Services up to 10g/OC-192 in both point to point and ring configurations;" (iii) Ethernet Transport Services up to 10GE," and (iv) Collocations services in carrier neutral facility." 24/7 states that it will serve governmental agencies, multi-location enterprises, non-profit institutions and other carriers (CLECs, IXCs and wireless providers) and that it will not serve individual customers.

2. 24/7 states in its Application that it provides telecommunications services in Maryland and either has applied or intends to apply to provide those services in the District of Columbia and in

Virginia. 24/7 has also provided information pertaining to its financial, operational, and technical ability to render service within the State of Delaware, as required by the Commission's Rules for the Provision of Telecommunications Services, 26 *Del. Admin. C.* §4001 (the "Rules").

3. By the Application, 24/7 has elected to provide competitive services within the State of Delaware pursuant to 26 *Del. C.* ch. 1, subchapter VII-A, the Telecommunications Technology Investment Act (the "TTIA"). Under the TTIA, telecommunications providers may elect to "determine its rates and prices for its telecommunications services pursuant to" the Act. 26 *Del. C.* §704(a). A telecommunications provider electing to have its rates and prices determined under the Act is no longer subject to mandatory tariff or other filing requirements for competitive services. 26 *Del. C.* §706(b).

4. The Application also seeks a waiver of the requirement that it maintain its books and records within the State of Delaware.

5. Following the filing of the Application, Commission staff ("Staff") contacted the Company to seek clarification of the specific services that will be offered by 24/7. Staff inquired into, among other things, whether the Company would be filing a tariff and an interconnection agreement with the Commission. 24/7 said it does not maintain a tariff and, because it elected to have its competitive services governed under the TTIA, it is not required to file a tariff. Nonetheless, the Company since filed with the Commission a draft tariff

that includes certain standard terms and conditions that it would use for its telecommunications services in Delaware. The Company also noted that it does not need to interconnect with another telecommunications provider in order to provide its telecommunications services, so it would not be filing an interconnection agreement. The Company assured Staff, however, that if circumstances change and it required interconnection it would file its interconnection agreement with the Commission.

6. After reviewing the Application and having met and conferred with the Company regarding its concerns, Staff has determined that the application satisfies the minimum requirements of the Commission's Rules and, therefore, recommends approval of the Application.

7. Based upon Staff's recommendations and the assertions of the Company in its Application and subsequent filings in this docket, the Commission determines that a CPCN should be granted to 24/7 authorizing it, as a public utility, to offer telecommunications services pursuant to the Rules.

8. As noted by Staff, after publication of notice regarding the Application, the Commission has not received any protest concerning the proposed granting of the Application.

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," a Certificate of Public Convenience and Necessity is granted to 24/7 Cable Company, LLC to operate as a public utility and provide intrastate telecommunications services as described in the application filed on

December 1, 2010, and in subsequent filings made by the Company in this docket. Such Certificate of Public Convenience and Necessity is effective on the date of this Order.

2. That 24/7 Cable Company, LLC, shall provide 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. 24/7 Cable Company, 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 provisions of 26 *Del. C.* § 208(b) are waived, and 24/7 Cable Company, 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 Executive Director. The conduct of such a review at a location other than Delaware shall be at the Applicant's expense.

4. That 24/7 Cable Company, LLC shall comply with all state and federal statutes and rules relating to a customer's selection of a preferred carrier of telecommunications services. 24/7 Cable Company, LLC agrees to pay all fees, assessments, penalties, and allowed damages arising from a violation of such state and federal statutes or rules pertaining to the selection of a preferred carrier.

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 matter 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