

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE MOBILITIE, LLC FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) PSC DOCKET NO. 11-24
NECESSITY TO PROVIDE LOCAL AND COMPETITIVE)
INTRASTATE TELECOMMUNICATIONS SERVICES)
WITHIN THE STATE OF DELAWARE)
(FILED JANUARY 13, 2011)-)

ORDER NO. 7955

AND NOW, this 10th day of May, 2011:

WHEREAS, On January 13, 2011, Mobilitie LLC ("Mobilitie" or the "Company"), filed an application (the "application") with the Commission (the "Commission") seeking a Certificate of Public Convenience and Necessity ("CPCN") to allow it to provide local and competitive intrastate telecommunications services within the State of Delaware. With its application, Mobilitie also filed an illustrative tariff setting forth the term and conditions of its proposed services; and

WHEREAS, public notice of the application, including a period for filing objections, was published in The News Journal newspaper and the Delaware State News newspaper on February 8, 2011. No comments or objections to the application have been received. The Commission Staff reports that Mobilitie, a Nevada corporation headquartered in California, represents that it is currently authorized to provide telecommunications services in approximately 36 States, 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." See 26 *DE Admin. Code* §4001 (the "Rules").

WHEREAS, the Commission determines that a CPCN should be granted to Mobilitie, LLC authorizing it, as a public utility, to offer local exchange and other competitive intrastate telecommunication services under the provisions of the Commission's Rules subject to the condition that the Company completes the conditions described in Ordering Paragraph

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" (26 DE Admin. Code §4001) a Certificate of Public Convenience and Necessity is hereby granted to Mobilitie, LLC to operate as a public utility and provide local telecommunications exchange services and other competitive intrastate telecommunications services as described in the application filed on January 13, 2011. Such Certificate of Public Convenience and Necessity is effective on the date of this Order.

2. That Mobilitie, LLC shall provide intrastate telecommunications services in the manner required by the Commission's "Rules for the Provision of Telecommunications Services" (26 DE Admin. Code §4001) and shall, at all times, comply with all applicable provisions of such Rules. Mobilitie, 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 ten (10) days prior to the date Mobilitie, LLC intends to offer and implement local exchange

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

telecommunication services, Mobilitie, LLC shall file a final tariff, with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and

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

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

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 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/ William F. O'Brien
Executive Director