

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

IN THE MATTER OF GC PIVOTAL, LLC FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO PROVIDE COMPETITIVE LOCAL )  
EXCHANGE AND COMPETITIVE INTRASTATE )  
TELECOMMUNICATIONS SERVICES WITHIN THE )  
STATE OF DELAWARE, AND FOR REVIEW OF A ) PSC DOCKET NO. 11-141  
PLAN FOR PROVIDING INTRALATA TOLL )  
DIALING PARITY IN ACCORDANCE WITH )  
FEDERAL COMMUNICATIONS COMMISSION )  
REQUIREMENTS (FILED MARCH 2, 2011) )

**ORDER NO. 7957**

**AND NOW**, this 10<sup>th</sup> day of May 2011:

**WHEREAS**, on March 2, 2011, GC Pivotal, LLC ("GC Pivotal" 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. GC Pivotal 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 and the Delaware State News newspaper on March 17, 2011. No comments or objections to the application have been received. The Commission Staff reports that GC Pivotal 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. C.* §4001, et. seq. On April 15, 2011, GC Pivotal 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 GC Pivotal 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 GC Pivotal, LLC to operate as a public utility and provide local exchange and interstate telecommunications services as described in the application filed on March 2, 2011.

2. That GC Pivotal, 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. GC Pivotal, 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 GC Pivotal, LLC intends to offer and implement local exchange telecommunications services, GC Pivotal, LLC shall

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

file a tariff or price list with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and

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

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

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