

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
ZAYO BANDWIDTH, LLC FOR AUTHORITY TO)
ABANDON BOTH COMPETITIVE INTRASTATE) PSC DOCKET NO. 11-331
AND LOCAL TELECOMMUNICATIONS SERVICES)
WITHIN THE STATE OF DELAWARE)
(FILED AUGUST 1, 2011))

ORDER NO. 8016

This 23rd day of August, 2011, the Delaware Public Service Commission (the "Commission") determines and Orders the following:

WHEREAS, on August 1, 2011, Zayo Bandwidth, LLC ("ZB") filed an application seeking authority to abandon both competitive intrastate and local telecommunications services within the State of Delaware (the "Application"); and

WHEREAS, pursuant to 26 *Del. C.* §§203A and 703(3) and 26 *Del. Admin. C.* §4001, ZB was granted a conditional Certificate of Public Convenience and Necessity ("CPCN") to operate as a public utility and provide local exchange and competitive intrastate telecommunication services on October 19, 2010, in PSC Docket No. 10-270 (see PSC Order No. 7857); and

WHEREAS, 26 *Del. C.* §203A(c)(1) prohibits regulated public utilities from abandoning or discontinuing their business, operations, or services provided under a CPCN without first having received Commission approval; and

WHEREAS, 26 *Del. C.* §706(d) provides that a service provider may abandon a competitive service after providing the Commission and public with 30 days notice of its intention to do so, and notice of ZB's intent to abandon such competitive services was stated in the Commission's published notice of the agenda for August 23, 2011; and

WHEREAS, by the Application, ZB seeks approval of its abandonment under 26 *Del. C.* §203A(c)(1) and an order of the Commission canceling and terminating its temporary CPCN; and

WHEREAS, in support of its Application, ZB notes that it has no competitive intrastate and local exchange customers in Delaware and no outstanding liabilities to any Delaware customers in the form of deposits or prepayments for any of its services and that it has given a copy of its Application to the Division of the Public Advocate as required by 26 *Del. Admin. C.* §4001-7.0; and

WHEREAS, pursuant to 26 *Del. C.* §203A(c)(3), the Commission shall approve any such application to terminate a CPCN granted to provide competitive intrastate and local exchange telecommunications services when the Commission finds that the utility has met its burden of proving that the abandonment or discontinuance is reasonable, necessary, and not unduly disruptive to the present or future public convenience and necessity; and

WHEREAS, the Commission's Staff recommends that ZB's Application should be approved because such abandonment or discontinuation is reasonable, necessary, and not unduly disruptive to the present or future public convenience and necessity.

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. That, upon the express condition that the representations in the verified application of Zayo Bandwidth, LLC are true and correct, said application to abandon the provision of local exchange and competitive intrastate telecommunication services as a public utility filed by Zayo Bandwidth, LLC is hereby granted and approved effective with the date of this Order.

2. That the temporary Certificate of Public Convenience and Necessity granted to Zayo Bandwidth, LLC by PSC Order No. 7857 (dated October 19, 2010) in PSC Docket No. 10-270 is hereby revoked.

3. 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