

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
LIBERTY-BELL TELECOM, LLC D/B/A DISH)
NETWORK PHONE & INTERNET FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY TO)
PROVIDE COMPETITIVE LOCAL EXCHANGE AND)
INTRASTATE INTEREXCHANGE TELECOMMUNICATIONS) PSC Docket No. 12-10
SERVICES 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 JANUARY 6, 2012))

ORDER NO. 8134

AND NOW, this 17th day of April 2012, the Commission determines and orders the following:

WHEREAS, on January 6, 2012, Liberty-Bell Telecom, LLC d/b/a DISH Network Phone & Internet ("DPI") filed an application (the "Application") with the Delaware Public Service Commission (the "Commission") seeking a Certificate of Public Convenience and Necessity ("CPCN") to allow it to provide competitive local and competitive intrastate interexchange telecommunications services within the State of Delaware. With its Application, DPI also filed an illustrative tariff setting forth the terms 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 and the Delaware State News newspapers on February 18, 2012, and February 24, 2010, respectively. The Commission Staff ("Staff") did not receive any timely comments or objections to the Application. Staff reports that

DPI, a Colorado corporation, represents that it is currently authorized to provide telecommunications services in more than twenty (20) states, including Texas and Florida, and has shown that it has the financial, technical, and managerial capabilities required for a CPCN as set forth in the Commission's "Rules for the Provision of Telecommunications Services." See 26 *Del. Admin. C.* §4001 (the "Rules") and

WHEREAS, the Commission determines that a CPCN should be granted to DPI to authorize it, as a public utility, to offer local exchange and other competitive intrastate telecommunications services under the provisions of the Commission's Rules subject to the condition that DPI completes the conditions described in the Ordering Paragraphs;

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 *Del. Admin. C.* §4001) (the "Rules"), a Certificate of Public Convenience and Necessity ("CPCN") is hereby granted to Liberty-Bell Telecom, LLC d/b/a Dish Network Phone & Internet 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 6, 2012. Such CPCN is effective on the date of this Order.

2. That Liberty-Bell Telecom, LLC d/b/a Dish Network, Phone & Internet shall provide intrastate telecommunications services in the manner required by the Commission's Rules and at all times shall comply with all applicable provisions of such Rules. Liberty-Bell

Telecom, LLC, d/b/a Dish Network, Phone & Internet 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 CPCN for local exchange telecommunications services is awarded upon, and subject to, the following conditions:¹

- (a) That ten (10) days prior to the date Liberty-Bell Telecom, LLC d/b/a Dish Network, Phone & Internet intends to offer and implement local exchange telecommunications services, Liberty-Bell Telecom, LLC d/b/a Dish Network, Phone & Internet shall file with the Commission an initial tariff, with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and
- (b) That, before filing an initial tariff, Liberty-Bell Telecom, LLC d/b/a Dish Network, Phone & Internet either (i) shall have in place a Commission-approved interconnection agreement or (ii) shall file an "opt-in" agreement between Liberty-Bell Telecom, LLC d/b/a Dish Network, Phone & Internet and Verizon Delaware LLC or another certificated local exchange carrier.

4. That the provisions of 26 *Del. C.* § 208(b) are waived, and Liberty-Bell, LLC d/b/a Dish Network, Phone & Internet 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, Liberty-Bell, LLC d/b/a Dish Network, Phone & Internet shall provide to the

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

Commission at its Dover, Delaware office, in a timely manner and upon the written request of the Commission's Executive Director, all such books and records relating to Liberty-Bell, LLC d/b/a Dish Network, Phone & Internet's Delaware operations as the Commission may deem reasonably necessary from time to time for review and copying. If the Commission must review the Delaware-related books and records of Liberty-Bell, LLC d/b/a Dish Network, Phone & Internet at a location other than at the Commission's Dover, Delaware office, Liberty-Bell, LLC, d/b/a Dish Network, Phone & Internet shall pay for the expenses of such review.

5. That a violation of this Order, the Commission's Rules and Regulations, or other applicable law may result in suspension or revocation of the CPCN.

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:

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