BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF  
CHESAPEAKE FIBER, LLC FOR A CERTIFICATE  
of public convenience and necessity to  
provide competitive local exchange  
telecommunications services within the  
state of Delaware (filed april 5, 2012)  

ORDER NO. 8190

AND NOW, this 21st day of August 2012, the Commission determines  
and orders the following:

WHEREAS, on April 5, 2012, Chesapeake Fiber, LLC ("CF") 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 exchange telecommunications services within the State of  
Delaware. With its Application, CF 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 April 30, 2012. The Commission Staff  
("Staff") reports that it received no formal comments or objections on  
the Application but did receive an e-mail from the Delaware Department  
of Transportation ("DelDOT"), which expressed concern over CF’s use of  
the state’s rights-of-way. According to Staff, PSC rules do not  
require commitments from CPCN applicants regarding their use of the  
state’s rights-of-way but that DelDOT has consent authority over
WHEREAS, Staff also reports that CF, a Maryland corporation, represents that it recently has received authorization to provide telecommunications services in Maryland and the District of Columbia and is also seeking authorization in Virginia. Staff also reports that CF 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 CF 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 CF 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 Chesapeake Fiber, LLC to operate as a public utility and provide competitive local telecommunications exchange as described in the Application filed on April 5, 2012. Such CPCN is effective on the date of this Order.
2. That Chesapeake Fiber, LLC 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. Chesapeake Fiber, 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. Chesapeake Fiber, LLC shall also obtain consent from the Delaware Department of Transportation before entering into the state’s rights-of-way, in accordance with 26 Del. C. §901, et. seq. and 2 Del. Admin. C. §2401.

3. That the CPCN for local exchange telecommunications services is awarded upon, and subject to, the following conditions:

   (a) That ten (10) days prior to the date Chesapeake Fiber, LLC intends to offer and implement local exchange telecommunications services, Chesapeake Fiber, LLC 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, Chesapeake Fiber, LLC either (i) shall have in place a Commission-approved interconnection agreement or (ii) shall file an “opt-in” agreement between Chesapeake Fiber, LLC and Verizon Delaware LLC or another certificated local exchange carrier.

4. That the provisions of 26 Del. C. § 208(b) are waived, and Chesapeake Fiber, LLC is authorized to maintain outside of the State

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1 These conditions must be completed within 6 months of the date of this Order.
of Delaware its books and records relating to its Delaware operations; provided, however, and upon the condition that, Chesapeake Fiber, LLC shall provide to the 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 Chesapeake Fiber, LLC’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 Chesapeake Fiber, LLC at a location other than at the Commission’s Dover, Delaware office, Chesapeake Fiber, LLC 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:

/s/ Dallas Winslow
Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jeffrey J. Clark
Commissioner
ATTEST:

/s/ Alisa Carrow Bentley
Secretary