

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

IN THE MATTER OF THE APPLICATION OF )  
PEG BANDWIDTH DE, LLC FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY TO )  
PROVIDE COMPETITIVE LOCAL EXCHANGE AND )  
INTEREXCHANGE INTRASTATE )  
TELECOMMUNICATIONS SERVICES WITHIN THE )  
STATE OF DELAWARE AND FOR REVIEW OF A ) PSC Docket No. 12-531  
PLAN FOR PROVIDING INTRALATA TOLL )  
DIALING PARITY IN ACCORDANCE WITH )  
FEDERAL COMMUNICATIONS COMMISSION )  
REQUIREMENTS )  
(FILED NOVEMBER 25, 2012, AMENDED )  
MARCH 6, 2013) )

**ORDER NO. 8322**

**AND NOW**, this 9<sup>th</sup> day of April 2013, the Commission determines and orders the following:

**WHEREAS**, on November 25, 2012, PEG Bandwidth DE, LLC ("PEG Bandwidth") 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 and interexchange intrastate telecommunications services within the State of Delaware. With its Application, PEG Bandwidth 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 20, 2013. The Commission Staff ("Staff") reports that it received no formal comments or objections on the Application. Staff reports that PEG Bandwidth represents that its

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affiliates are currently authorized to provide telecommunications services in eight states, including Pennsylvania, New York, and New Jersey; 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");

**WHEREAS**, the Commission determines that a CPCN should be granted to PEG Bandwidth 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 PEG Bandwidth 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 PEG Bandwidth DE, LLC to operate as a public utility and provide competitive local telecommunications exchange as described in the Application filed on November 25, 2012 and amended on March 6, 2013. Such CPCN is effective on the date of this Order.

2. That PEG Bandwidth DE, 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. PEG Bandwidth DE, 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 CPCN 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 PEG Bandwidth DE, LLC intends to offer and implement local exchange telecommunications services, PEG Bandwidth DE, 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, PEG Bandwidth DE, LLC either (i) shall have in place a Commission-approved interconnection agreement or (ii) shall file an "opt-in" agreement between PEG Bandwidth DE, LLC and Verizon Delaware LLC or another certificated local exchange carrier.

4. That the provisions of 26 *Del. C.* § 208(b) are waived, and PEG Bandwidth DE, LLC is authorized to maintain outside of the State of Delaware its books and records relating to its Delaware operations; provided, however, and upon the condition that, PEG Bandwidth DE, 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 PEG Bandwidth DE, LLC's Delaware operations as the Commission may deem reasonably necessary from time to time for review and copying. If the

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

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Commission must review the Delaware-related books and records of PEG Bandwidth DE, LLC at a location other than at the Commission's Dover, Delaware office, PEG Bandwidth DE, 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

/s/ Jaymes B. Lester  
Commissioner

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Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary