

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

IN THE MATTER OF THE APPLICATION OF)
WINDSTREAM COMMUNICATIONS, INC. FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO PROVIDE INTRASTATE LONG) PSC DOCKET NO. 13-278
DISTANCE TELECOMMUNICATIONS SERVICES)
TO THE PUBLIC WITHIN THE STATE OF)
DELAWARE (FILED JULY 1, 2013))

ORDER NO. 8454

AND NOW, this 22nd day of September, 2013, the Delaware Public Service Commission ("Commission") determines and orders the following:

WHEREAS, on July 1, 2013, Windstream Communications, Inc. ("WCI") filed an application ("Application") with the Commission for a Certificate of Public Convenience and Necessity ("CPCN") to operate as a reseller of intrastate long distance telecommunications services to the public on a statewide basis and to offer a full range of "1+" interexchange telecommunications services on a resale basis within the State of Delaware. Specifically, WCI seeks the authority to provide MTS, in-WATS, out-WATS, and calling card services;¹ and

WHEREAS, a copy of the Application was provided to the Division of the Public Advocate; and

WHEREAS, pursuant to 26 *Del. Admin. C.* §4001-4.3, WCI provided to Staff affidavits of publication dated August 15 and 16, 2013, showing that WCI has published a public notice of the Application, including a period for filing objections, in The News Journal and the Delaware State News newspapers on August 15, 2013 and August 16, 2013, respectively; and

¹ WCI does not intend to offer 900 or 700 services in the State of Delaware.

WHEREAS, Staff did not receive any comments or objections to the Application; and

WHEREAS, as part of the Application and as required by 26 *Del. Admin. C.* §§4001-4.2 and 4.4, WCI submitted its Certificate of Incorporation, a Certificate of Amendment of its Certificate of Incorporation,² a certificate of good standing from the Secretary of State of the State of Delaware dated June 1, 2013; and

WHEREAS, Staff reports that WCI, a Delaware corporation that is legally authorized and qualified to do business in the State of Delaware, represents that it is currently authorized to provide telecommunications services in numerous other states, has provided a continuation certificate dated July 5, 2013, for its \$10,000.00 performance bond with Delaware surety,³ has provided an initial tariff, and has demonstrated that it has the financial, operational, and technical ability to render services within the State of Delaware as required by 26 *Del. C.* §203A and 26 *Del. Admin. C.* §§4001-4.2 - 4.5, 4.6.1, 4.8.1, and 4.9 for a CPCN; and

WHEREAS, Staff also reports that the proposed tariff for its telecommunications services to be provided in the State of Delaware meets the requirements of 26 *Del. Admin. C.* §§4001-4.5 and 4.8; and

WHEREAS, Staff also reports that the Application satisfies the minimum requirements of 26 *Del. Admin. C.* §4001; and

² The Certificate of Amendment of its Certificate of Incorporation changed the company's name from "Alltel Holding Corporate Services, Inc." to WCI on May 1, 2006.

³ This certificate states that bond no. K08097926 is continued in full force and effect from July 3, 2013, to July 3, 2014. Hence, another continuation certificate or renewal of the bond will be required in July of 2014 per the annual renewal requirement set forth in 26 *Del. Admin. C.* §4001-4.6.1.

WHEREAS, WCI respectfully requested, as part of its Application, that the Commission waive the requirement set forth in 26 *Del. C.* §208(b) so that WCI may maintain in an office outside the State of Delaware its books, accounts, papers, records, and memoranda which relate to its Delaware operations;

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

1. Pursuant to 26 *Del. C.* §§ 203A and 703(4) and 26 *Del. Admin. C.* §4001, the Commission hereby grants to WCI a CPCN to operate as a public utility and provide intrastate telecommunications services as described in the Application and the tariff WCI has on file with the Commission as the same may, from time to time, be amended. Such CPCN is effective as of the date of this Order.

2. WCI shall provide intrastate interexchange telecommunications services in the manner required under Delaware law and the Commission's "Rules for the Provision of Telecommunications Services" (26 *Del. Admin. C.* §4001) and shall comply at all times with all applicable provisions of Delaware law, regulations, rules, orders, and all other applicable laws. WCI shall also file returns and pay all assessments and fees as may be required by the provisions of 26 *Del. C.* §§114 and 115.

3. The provisions of 26 *Del. C.* §208(b) are hereby waived, and WCI is authorized to maintain outside the State of Delaware its books, accounts, papers, records, and memoranda that are related to its Delaware operations; provided, however, and upon the condition that, WCI 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, accounts, papers, records, and memoranda relating to WCI'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, accounts, papers, records, and/or memoranda of WCI at a location other than at the Commission's Dover, Delaware office, WCI shall pay for the expenses of such review.

4. WCI shall comply with all state and federal statutes and rules relating to a customer's selection of a preferred carrier of telecommunications services. WCI agrees to pay all fees, assessments, penalties, and allowed damages arising from a violation of such state and federal statutes or regulations pertaining to the selection of a preferred carrier.

5. A violation of this Order, any provision of Delaware law, the Commission's Rules and Regulations, or other applicable law, rule, regulation, or order may result in suspension or revocation of the CPCN.

6. WCI is hereby placed on notice that the costs of the proceedings will be charged to it under the provisions of 26 Del. C. §114(b)(1).

7. 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/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary