

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
TALK AMERICA SERVICES, LLC FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO PROVIDE COMPETITIVE LOCAL) PSC Docket No. 14-0417
EXCHANGE AND LONG DISTANCE)
TELECOMMUNICATIONS SERVICES WITHIN THE)
STATE OF DELAWARE (SUBMITTED)
SEPTEMBER 23, 2014;)
FILED NOVEMBER 20, 2014))

ORDER NO. 8685

AND NOW, this 16th day of December, 2014, the Delaware Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on September 23, 2014, Talk America Services, LLC ("TAS") filed an application (the "Application") with the Commission seeking a Certificate of Public Convenience and Necessity ("CPCN") to allow it to provide competitive local exchange and long distance telecommunications services within the State of Delaware. TAS also requested a waiver of the requirements of 26 Del. C. §208(b) and 26 Del. Admin. C. §4001-10.2. With its Application, TAS also filed illustrative tariffs setting forth the terms and conditions of its proposed services; and

WHEREAS, TAS provided the appropriate affidavits of publication of notice of the Application in The News Journal and the Delaware State News. The Commission Staff ("Staff") reports that it received no formal comments or objections regarding the Application within the required 20-day notice period; and

WHEREAS, Staff reports that TAS has provided sufficient information evidencing that it has the financial, technical, and operational capabilities required for a CPCN as set forth in the Delaware Code and the Commission's "Rules for the Provision of Telecommunications Services," 26 *Del. Admin. C.* §4001 (the "Rules"); and

WHEREAS, the Commission determines that a CPCN should be granted to TAS to authorize it, as a public utility, to offer competitive local exchange and long distance telecommunications services under the provisions of the Delaware Code and the Rules subject to the conditions set forth below;

**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(4) and the "Rules for the Provision of Telecommunications Services," 26 *Del. Admin. C.* §4001 (the "Rules"), the Commission grants to TAS a CPCN to operate as a public utility and provide competitive local exchange and long distance telecommunications services as described in the Application.

2. That TAS shall provide telecommunications services in the manner required by the Rules and at all times shall comply with all applicable provisions of the Delaware Code, the Commission's Rules and Regulations, and all other applicable laws, rules, regulations, and orders.

3. That the CPCN for competitive local exchange and long distance telecommunications services and other competitive intrastate telecommunications services is awarded upon, and subject to, the following conditions:¹

(a) That ten (10) days prior to the date TAS intends to offer and implement local exchange telecommunications services, TAS 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, TAS shall either (i) have in place a Commission-approved interconnection agreement or (ii) file the resale agreement between TAS and another competitive local exchange carrier.

4. That the provisions of 26 Del. C. §208(b) are waived, and TAS 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, TAS 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 TAS' 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 TAS at a location other than at the Commission's Dover, Delaware office, TAS shall pay for the expenses of such review.

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

5. That the provisions of 26 *Del. Admin. C.* §4001-10.2 are waived, and TAS is authorized to maintain its books consistent with General Accepted Accounting Principles.

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

7. 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/ Alisa Carrow Bentley
Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

/s/ Harold B. Gray
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary