

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF )  
BROAD VALLEY MICRO FIBER NETWORKS IND. )  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO PROVIDE COMPETITIVE ) PSC Docket No. 14-0434  
LOCAL EXCHANGE AND LONG DISTANCE )  
TELECOMMUNICATIONS SERVICES WITHIN THE )  
STATE OF DELAWARE (SUBMITTED OCTOBER 3, )  
2014; FILED NOVEMBER 14, 2014) )

ORDER NO. 8688

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

WHEREAS, on October 3, 2014, Broad Valley Micro Fiber Networks Inc. ("Broad Valley") 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. Broad Valley also requested a waiver of the requirements of 26 Del. C. §208(b) and 26 Del. Admin. C. §4001-10.2. With its Application, Broad Valley also filed illustrative tariffs setting forth the terms and conditions of its proposed services; and

WHEREAS, Broad Valley 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 Broad Valley 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 Broad Valley 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, the Commission grants to Broad Valley 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 Broad Valley 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:<sup>1</sup>

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

4. That the provisions of 26 *Del. C.* §208(b) are waived, and Broad Valley 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, Broad Valley 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 Broad Valley's Delaware operations as the Commission may deem reasonably necessary for review and copying. If the Commission must review the Delaware-related books and records of Broad Valley at a location other than at the Commission's Dover, Delaware office, Broad Valley shall pay for the expenses of such review.

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<sup>1</sup> 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 Broad Valley 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/ Dallas Winslow  
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