

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

IN THE MATTER OF THE JOINT APPLICATION )  
OF VERIZON DELAWARE INC. (F/K/A BELL )  
ATLANTIC-DELAWARE, INC.), AND RCN TELECOM )  
SERVICES OF DELAWARE, INC. (F/K/A C-TEC), ) PSC DOCKET NO. 96-327  
FOR APPROVAL OF AN INTERCONNECTION )  
AGREEMENT PURSUANT TO SECTION 252(e) OF )  
THE TELECOMMUNICATIONS ACT OF 1996 )  
(FILED DECEMBER 17, 1996) )

**FINDINGS, OPINION, AND ORDER NO. 6383**

**A. BACKGROUND**

1. On December 17, 1996, RCN Telecom Services of Delaware, Inc. ("RCN") (f/k/a C-TEC), and Verizon Delaware Inc. ("Verizon") (f/k/a Bell Atlantic-Delaware, Inc.), asked the Commission to approve an interconnection agreement negotiated between the two parties. By PSC Order No. 4433 (March 4, 1997), the Commission approved the negotiated agreement under the standards set forth in 47 U.S.C. § 252(e)(2)(A). That Order required the parties to submit for approval any later changes to the approved agreement.

2. On January 6, 2004, Verizon filed a letter including Amendment No. 4<sup>1</sup> to the Interconnection Agreement between Verizon and RCN. The Amendment, effective June 14, 2001, describes a revised rate plan that will govern the payment of reciprocal compensation for traffic between RCN and Verizon.

3. Pursuant to Guideline 30 of the Commission's "Guidelines for Negotiations, Mediation, Arbitration, and Approval of Agreements Between

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<sup>1</sup>Amendment No. 1 was submitted on March 14, 1997 per PSC Order No. 4433; Amendment No. 2 was approved by PSC Order No. 4538 (July 8, 1997); and Amendment No. 3 was submitted on September 24, 1997 and did not require Commission approval.

Local Exchange Telecommunications Carriers" (as revised effective May 10, 2001), notice of the filing of the Amendment was posted on the Commission's website.

4. Only Staff filed comments in response to the notice. Staff reported that there was no reason to reject the proffered Amendment. The Commission considered the Amendment at its meeting of April 6, 2004.

**B. FINDINGS AND OPINION**

5. The Commission has the authority and jurisdiction to review the Amendment to the interconnection agreement under 47 U.S.C. § 252(e) (1) and 26 Del. C. § 703(4).

6. The Commission determines that there is no reason to reject the Amendment under the review criteria set forth in 47 U.S.C. § 252(e) (2) (A). The Commission has not received any information to suggest that the terms of this Amendment discriminate against other carriers or that implementation of the Amendment would be inconsistent with the public interest.

7. The approval granted here is given under the terms of 47 U.S.C. § 252(e) (2) (A). Specifically, the Commission does not make any finding whether the terms and prices set forth in the Amendment meet the substantive requirements of 47 U.S.C. § 251 or the pricing standard under 47 U.S.C. § 252(d).

**C. ORDERING PARAGRAPHS**

Now, therefore, this 6th day of April, 2004, **IT IS ORDERED:**

1. That, the Amendment to the interconnection agreement entitled Amendment No. 4, submitted by Verizon Delaware Inc. (f/k/a Bell Atlantic-Delaware, Inc.), and RCN Telecom Services of Delaware, Inc. (f/k/a C-TEC), on January 8, 2004, is hereby approved under 47 U.S.C. § 252(e)(2)(A).

2. That, the terms and conditions set forth in PSC Orders Nos. 4433 (March 4, 1997) and 4538 (July 8, 1997) shall remain in force and effect.

3. That, within ten (10) days of this Order, Verizon Delaware Inc. (f/k/a Bell Atlantic-Delaware, Inc.), and RCN Telecom Services of Delaware, Inc. (f/k/a C-TEC), shall file with the Commission a revised, complete interconnection agreement which shall incorporate Amendment No. 4. The revised agreement may substitute the new provisions or attach the amendment to the previously approved interconnection agreement. The revised agreement shall be available for public inspection and copying pursuant to the provisions of 47 U.S.C. § 252(h).

4. That, pursuant to the provisions of 47 U.S.C. § 252(i), Verizon Delaware Inc., shall make available any interconnection, service, or network element provided under the above agreement to any other requesting telecommunications carrier upon the same terms and conditions as provided in the agreement.

5. 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/ Arnetta McRae  
Chair

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Vice Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Donald J. Puglisi  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary