

THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION OF)
AT&T COMMUNICATIONS OF DELAWARE,)
INC., FOR THE ARBITRATION OF)
UNRESOLVED ISSUES FROM THE) PSC DOCKET NO. 96-331
INTERCONNECTION NEGOTIATIONS WITH)
BELL ATLANTIC-DELAWARE, INC., N/K/A)
VERIZON DELAWARE INC.)
(FILED DECEMBER 23, 1996))

ORDER NO. 6579

A. BACKGROUND

1. On December 23, 1996, AT&T Communications of Delaware, Inc. ("AT&T"),¹ filed for arbitration of unresolved issues from the interconnection negotiations with Bell Atlantic-Delaware, Inc., n/k/a Verizon Delaware Inc. ("Verizon"). Several of the terms included in the agreement were resolved by an arbitration award entered by the appointed arbitrator on April 10, 1997. On September 30, 1997, the interconnection agreement was filed with the Commission. This interconnection agreement was approved by the Commission on October 21, 1997 in PSC Order No. 4629 and on January 27, 1998 in Findings and Opinion For Order No. 4629 and Order No. 4709. Those Orders also required the parties to submit for approval any later changes to the approved agreement.

2. On December 10, 2004, Verizon filed a letter including Amendment No. 3 to the Interconnection Agreement between Verizon and AT&T.² The Amendment, effective November 1, 2004, details the establishment of a "Unitary Rate" for ISP-Bound Traffic and Local Traffic

¹AT&T Communications of Delaware, Inc. holds a Certificate of Public Convenience and Necessity ("CPCN") to provide local exchange telecommunications services within this State. See PSC Order No. 4367 (Dec. 10, 1996).

²Amendment No. 2 was submitted on April 14, 2004, and was approved by PSC Order No. 6449 (July 6, 2004).

Rates subject to conditions set forth in the Amendment, and conditions that will govern rates for Traffic Exchanged over UNE-P lines, VoIP Traffic, and other traffic which may involve a third telecommunications carrier other than the Parties.

3. Pursuant to Guideline 30 of the Commission's "Guidelines for Negotiations, Mediation, Arbitration, and Approval of Agreements Between 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 March 8, 2005.

C. 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).

D. ORDERING PARAGRAPHS

Now, therefore, this 8th day of March, 2005, **IT IS ORDERED:**

1. That, the Amendment to the interconnection agreement entitled Amendment No. 3, submitted by Verizon Delaware Inc., and AT&T Communications of Delaware, Inc., on December 10, 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. 4629 (Oct. 21, 1997), 4709 (Jan. 27, 1998), and 6449 (July 6, 2004) shall remain in force and effect.

3. That, within ten (10) days of this Order, Verizon Delaware Inc., and AT&T Communications of Delaware, Inc., shall file with the Commission a revised, complete interconnection agreement that shall incorporate Amendment No. 3. 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

/s/ Joshua M. Twilley
Vice Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary