

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE JOINT APPLICATION)
OF BELL ATLANTIC-DELAWARE, INC., N/K/A)
VERIZON DELAWARE INC., AND CTC COMMUNI-)
CATIONS CORP., FOR APPROVAL OF AN INTER-) PSC DOCKET NO. 98-470
CONNECTION AGREEMENT PURSUANT TO SECTION)
252(e) OF THE TELECOMMUNICATIONS ACT OF)
1996 (FILED OCTOBER 27, 1998))

ORDER NO. 6584

A. BACKGROUND

1. On October 27, 1998, CTC Communication Corp. ("CTC"),¹ and Bell Atlantic-Delaware, Inc., n/k/a Verizon Delaware Inc. ("Verizon"), asked the Commission to approve a resale agreement negotiated between the two parties. By PSC Order No. 4972 (Dec. 15, 1998), the Commission approved the negotiated agreement under the standards set forth in 47 U.S.C. § 252(e)(2)(A).² That Order required the parties to submit for approval any later changes to the approved agreement.

2. On December 16, 2004, Verizon filed a letter including Amendment No. 2 to the Resale Agreement between Verizon and CTC. The Amendment, dated October 21, 2004, details provisions to extend the "Service Term" as defined in Amendment No. 1. Amendment No. 2 also extends the Annual Volume Commitment, the definition of the Annual Volume Commitment Measures, the Minimum Purchase Charge, the Termination Charge, and Additional Discounts as presented in Amendment No. 2.

¹CTC holds a Certificate of Public Convenience and Necessity ("CPCN") to provide local exchange telecommunications services within this State. See PSC Order No. 5113 (May 25, 1999).

²Amendment No. 1 was filed with the Commission on July 28, 1999, and approved by the Commission in PSC Order No. 5238 (Oct. 12, 1999).

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 Resale 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 Resale Agreement entitled Amendment No. 2, submitted by Verizon Delaware Inc., and CTC Communication Corp., on December 16, 2004, is hereby approved under 47 U.S.C. § 252(e)(2)(A).

2. That, the terms and conditions set forth in PSC Order No. 4972 (Dec. 15, 1998) and Order No. 5238 (Oct. 12, 1999) shall remain in force and effect.

3. That, within ten (10) days of this Order, Verizon Delaware Inc., and CTC Communication Corp., shall file with the Commission a revised, complete Resale Agreement that shall incorporate Amendment No. 2. The revised agreement may substitute the new provisions or attach the amendment to the previously approved Resale 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

