

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

IN THE MATTER OF THE JOINT APPLICATION )  
OF VERIZON DELAWARE INC., AND AMERICAN )  
FIBER NETWORK, INC., FOR APPROVAL OF AN ) PSC DOCKET NO. 03-82  
INTERCONNECTION AGREEMENT PURSUANT TO )  
SECTION 252(e) OF THE TELECOMMUNICATIONS )  
ACT OF 1996 (FILED FEBRUARY 27, 2003) )

**FINDINGS, OPINION, AND ORDER NO. 6587**

**A. BACKGROUND**

1. On February 27, 2003, American Fiber Network, Inc. ("AFN"), and Verizon Delaware Inc. ("Verizon"), submitted to the Commission an interconnection agreement negotiated between the two parties. The submitted agreement along with the Adoption Letter dated March 20, 2002, stated that AFN was exercising its rights under 47 U.S.C. § 252(i) to adopt the interconnection agreement between Verizon Delaware Inc., and Z-Tel Communications, Inc., which the Delaware Public Service Commission approved on September 18, 2001.

2. On December 16, 2004, Verizon filed a letter including Amendment No. 1 to the Interconnection Agreement between Verizon and AFN. The Amendment, effective October 12, 2004, adds provisions to the original agreement to give contractual effect to changes made by the Federal Communications Commission's Triennial Review Order ("TRO") and the D.C. Circuit Court decision. The Amendment also detailed provisions to govern Discontinued Facilities as a result of these rulings.

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 will consider the Amendment at its meeting of March 8, 2005.

**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 8<sup>th</sup> day of March, 2005, **IT IS ORDERED:**

1. That, the Amendment to the interconnection agreement entitled Amendment No. 1, submitted by Verizon Delaware Inc., and American Fiber Network, Inc., on December 16, 2004, is hereby approved under 47 U.S.C. § 252(e)(2)(A).

2. That, within ten (10) days of this Order, Verizon Delaware Inc., and American Fiber Network, Inc., shall file with the Commission a revised, complete interconnection agreement that shall incorporate Amendment No. 1. 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).

3. 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.

4. 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

PSC Docket No. 03-82, Order No. 6587 Cont'd.

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Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary