

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

IN THE MATTER OF THE INVESTIGATION )  
INTO THE COMPETITIVE PROVISIONS OF )  
INTRASTATE TELECOMMUNICATIONS SERVICE ) PSC REGULATION DOCKET NO. 42  
THROUGH INTRALATA PRESUBSCRIPTION )  
AND UNIVERSAL SERVICE FUNDING )  
(FILED JANUARY 11, 1994 )

**ORDER NO. 6762**

This 8<sup>th</sup> day of November, 2005, the Commission determines and Orders the following:

1. In 1997, this Commission instituted 1+ carrier presubscription for intra-State and intraLATA toll calls originating from Verizon Delaware Inc.'s ("VZ-DE") local exchange customers. See PSC Orders Nos. 4382 (Jan. 7, 1997), 4491 (May 13, 1997), & 4603 (Sept. 23, 1997).<sup>1</sup> As part of that implementation, the Commission directed VZ-DE, as the dominant local exchange carrier, to mimic a particular format in responding to inquiries from potential or existing customers about in-State or regional (intraLATA) toll services. VZ-DE was to provide such consumers with a neutral statement describing intraLATA presubscription and, if asked about toll carriers, to read a list (randomly composed and regularly rotated) of available intraLATA toll providers. PSC Order No. 4382 at ¶¶ 41-42 & Ordering ¶ 6.<sup>2</sup> The goal of the scripting format was to

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<sup>1</sup>See 47 U.S.C. § 251(b)(3) (requirement of dialing parity imposed on all local exchange carriers). See also 47 C.F.R. § 51.209(a), (b) (separate choice of carriers for intraLATA toll and interLATA toll services).

<sup>2</sup>Under this format, VZ-DE would simply be one more carrier included in this randomly compiled list of intraLATA toll providers.

ensure that VZ-DE did not use its status as point of contact for local exchange services to unfairly steer customers to its, rather than competitors', in-State toll services, particularly as consumers exercised the then-new opportunity to choose a separate regional toll provider.

2. On July 5, 2005, VZ-DE filed an application with the Commission to lift the customer-inquiry "script" format imposed by Order No. 4382 concerning intra-State and intraLATA toll presubscription. By an amended application submitted October 19, 2005, VZ-DE has pulled back somewhat from its earlier request. It now seeks to alter the requirements imposed by Order No. 4382 to allow VZ-DE - in the case of an in-bound customer inquiry - to affirmatively recommend (i.e., market) its own regional intraLATA toll service, provided it also contemporaneously states that other carriers also provide similar regional toll service and, if asked, offers to read a list of all available intraLATA carriers (again arranged randomly and periodically rotated). As VZ-DE sees it, things have significantly changed since 1997, not only in the structure of the competitive toll market but more importantly in consumers' awareness of the opportunity for choice of carrier to provide differing types of services. Given such changes, VZ-DE argues, there is no longer a need for the more restrictive script imposed by the 1997 presubscription Order. Moreover, VZ-DE suggests, its modifications would allow VZ-DE to utilize the same alternative method the Commission has endorsed for a competitive local exchange carrier to fulfill its similar obligation

to provide (and explain) intraLATA toll dialing parity. See PSC Order No. 6304 (Aug. 5, 2003).

3. The Commission will now seek comments on VZ-DE's request to change its intra-State and intraLATA toll dialing parity script to allow it to market (affirmatively recommend) its own intraLATA services. Things have indeed changed in telecommunications markets since 1997 and the Commission wants to know whether, despite these changes, the script adopted in 1997 for intra-State and, hence, intraLATA, presubscription is still needed in the case of consumer inquiries to VZ-DE as a local exchange carrier. In doing so, the Commission would note that the modification VZ-DE now seeks appears to be consistent with the practice that the FCC endorsed in 1997 as appropriate for implementing a Bell Operating Company's entry into the interLATA toll market.<sup>3</sup>

4. Competitive carriers and consumers will now have the opportunity to file objections to, or comments upon, VZ-DE's application, as modified. The Commission warns that if it does not receive any objections to VZ-DE's proposed changes, it might be inclined to act favorably on VZ-DE's amended request without further hearings or extended proceedings.

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<sup>3</sup>See In the Matter of the Application of BellSouth Corp. Pursuant to section 271 of the Telecommunications Act of 1934 to Provide interLATA Services in South Carolina, Mem. Op. & Order at ¶¶ 237-39, 13 FCC Rcd. 539 (1997). See also AT&T Corp. v. FCC, 220 F.3d 607, 631 (D.C. Cir. 2000) (endorsing FCC's ruling in South Carolina interLATA Order).

Now, therefore, **IT IS ORDERED:**

1. That Verizon Delaware Inc. shall cause the notice attached hereto as Exhibit "A" to be published, in two-column format outlined in black, in the following newspapers on the listed dates:

The News Journal (November 10, 2005)

Delaware State News (November 10, 2005)

Verizon Delaware Inc. shall file proof of such publication with the Commission on or before December 2, 2005. In addition, VZ-DE shall send a copy of this Order and Notice to each party identified as a party in PSC Order No. 4382 at ¶ 4 n. 3 (Jan. 7, 1997).

2. That the Secretary of the Commission shall post the notice attached hereto as Exhibit "A" (along with a copy of this Order) on the Commission's website under the appropriate heading.

3. That after the close of the comment period outlined in the attached Notice, the Commission will determine the course of further proceedings in this matter as may be necessary or appropriate. In the absence of comments, or in the absence of objections to the amended proposal submitted by Verizon Delaware Inc. on October 19, 2005, the Commission may grant the relief requested by Verizon Delaware Inc. in its amended application without further hearings or other proceedings.

4. That Verizon Delaware Inc. is hereby notified that it will be charged the cost of these proceedings under 26 Del. C. § 114(b).

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/ Jaymes B. Lester  
Commissioner

/s/ Dallas Winslow  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary

E X H I B I T "A"

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NOTICE AND SOLICITATION OF COMMENTS  
CONCERNING VERIZON DELAWARE INC.'S  
OBLIGATIONS RELATED TO INTRASTATE,  
INTRALATA PRESUBSCRIPTION

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By its Order No. 4382 (Jan. 7, 1997), the Public Service Commission ("the Commission") implemented intra-State and intraLATA 1+ presubscription (or toll dialing parity) for local exchange customers of Verizon Delaware Inc. ("VZ-DE"). In that Order, the Commission set a particular script to be utilized by VZ-DE to describe intraLATA presubscription and competing toll providers in the context of responding to in-coming calls for local exchange service.

On October 19, 2005, VZ-DE filed an amended application asking the Commission to modify the script process adopted by Order No. 4382. VZ-DE requests that it be allowed to affirmatively recommend (or market) VZ-DE's own intraLATA toll services in responding to a customer's inquiries, so long as it contemporaneously states that other carriers also provide similar regional toll services and, if

asked, offers to read a randomly arranged list of available intraLATA carriers.

The Commission now seeks comments from interested persons and entities concerning VZ-DE's proposal to change its business practices for intra-State and intraLATA toll presubscription. If you wish to object to such change, or if you wish to file other comments concerning VZ-DE's amended proposal, send an original and 10 copies of such objections or comments to:

Public Service Commission  
861 Silver Lake Boulevard  
Cannon Building  
Suite 100  
Dover, Delaware 19904  
Attn: Reg. Dckt. No. 42

You must file such objections or comments by Monday, December 5, 2005. If you are able, you should also send an electronic copy of your document as an Internet e-mail attachment to [constance.welde@state.de.us](mailto:constance.welde@state.de.us) by the same date. If you file objections or comments, you will be added to the service list. You can also file a letter by the same date asking to be added to the service list without filing comments. Only persons or entities on the official service list will be notified of further proceedings in this matter.

If you are disabled and need assistance to participate, please contact the Commission to discuss such assistance. If you have questions or need more information, contact the Commission at (800) 282-8574 (toll-free in Delaware) or (302) 739-4247 (including text telephone). You can also send inquiries by Internet e-mail to [constance.welde@state.de.us](mailto:constance.welde@state.de.us).