

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE JOINT APPLICATION)
OF VERIZON DELAWARE INC., N/K/A VERIZON)
DELAWARE LLC, AND ACCESS POINT, INC., FOR)
APPROVAL OF AN INTERCONNECTION AGREEMENT) PSC DOCKET NO. 01-379
PURSUANT TO SECTION 252(e) OF THE TELECOM-)
MUNICATIONS ACT OF 1996)
(FILED SEPTEMBER 21, 2001))

ORDER NO. 7176

A. BACKGROUND

1. On September 21, 2001, Access Point, Inc. ("Access Point"), and Verizon Delaware Inc., n/k/a Verizon Delaware LLC ("Verizon"), asked the Commission to approve an interconnection agreement negotiated between the two parties. By PSC Order No. 5841 (Nov. 20, 2001), 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 February 9, 2007, Verizon filed a letter including Amendments Nos. 1 and 2 to the Interconnection Agreement between Verizon and Access Point. The Amendments, dated January 5, 2007, include the agreement in Amendment No. 1 that Verizon shall be obligated to provide access to unbundled network elements and combinations only to the extent required by the Federal Unbundling Rules, and introduces provisions covering discontinued facilities as a result of the federal decisions. Additionally, Amendment No. 2 includes the agreement for provisions covering certain facilities and services to include FTTP Loops, Hybrid Loops, routine network modifications, commingling, combinations, and certain charges for conversions as specified in the Pricing Attachment to the Amendment.

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 Amendments 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 Amendments. The Commission considered the Amendments at its meeting of May 8, 2007.

B. FINDINGS AND OPINION

5. The Commission has the authority and jurisdiction to review the Amendments 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 Amendments 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 these Amendments discriminate against other carriers or that implementation of the Amendments 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 Amendments 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 8th day of May, 2007, **IT IS ORDERED:**

1. That, the Amendments to the interconnection agreement entitled Amendments Nos. 1 and 2, submitted by Verizon Delaware LLC and Access Point, Inc. on February 9, 2007, are hereby approved under 47 U.S.C. § 252(e)(2)(A).

2. That, the terms and conditions set forth in PSC Order No. 5841 (Nov. 20, 2001) shall remain in force and effect.

3. That, within ten (10) days of this Order, Verizon Delaware LLC and Access Point, Inc. shall file with the Commission a revised, complete interconnection agreement which shall incorporate Amendments Nos. 1 and 2. The revised agreement may substitute the new provisions or attach the amendments 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 LLC 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/ Jaymes B. Lester
Commissioner

/s/ Joann T. Conaway
Commissioner

/s/ Dallas Winslow
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary