

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 ATX LICENSING, INC.,)
F/K/A ATX TELECOMMUNICATIONS SERVICES,) PSC DOCKET NO. 02-215
LTD., FOR APPROVAL OF AN INTERCONNECTION)
AGREEMENT PURSUANT TO SECTION 252(e) OF)
THE TELECOMMUNICATIONS ACT OF 1996)
(FILED JULY 3, 2002))

ORDER NO. 7283

A. BACKGROUND

1. On July 3, 2002, ATX Licensing, Inc., f/k/a ATX Telecommunications Services, Ltd. ("ATX"),¹ and Verizon Delaware Inc., n/k/a Verizon Delaware LLC ("Verizon"), submitted to the Commission an interconnection agreement negotiated between the two parties. The submitted agreement stated that ATX was exercising its rights under 47 U.S.C. § 252(i) to adopt the interconnection agreement between Verizon Delaware LLC and AT&T Communications of Delaware, Inc., n/k/a AT&T Communications of Delaware, LLC, which the Delaware Public Service Commission approved on October 21, 1997 by PSC Order No. 4629.

2. On June 28, 2007, Verizon filed a letter including Amendment No. 2 to the Interconnection Agreement between Verizon and ATX.² Amendment No. 2, dated February 2, 2007, describes the agreement by the parties to provide certain limitations for "Backbill Amounts," includes

¹ATX Licensing, Inc., f/k/a ATX Telecommunications Services, Ltd., holds a Certificate of Public Convenience and Necessity ("CPCN") to provide local exchange telecommunications services within the State of Delaware. See PSC Order No. 4586 (Aug. 26, 1997).

²Amendment No. 1 was filed with the Commission on July 23, 2002 and approved by the Commission in PSC Order No. 6048 (Oct. 15, 2002).

provisions for handling bill disputes, and introduces a one and one-half percent (1.5%) late payment charge.

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 Amendment No. 2 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 No. 2. The Commission will consider Amendment No. 2 at its meeting of September 18, 2007.

B. FINDINGS AND OPINION

5. The Commission has the authority and jurisdiction to review Amendment No. 2 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 Amendment No. 2 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 Amendment No. 2 discriminate against other carriers or that implementation of Amendment No. 2 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 Amendment No. 2 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 18th day of September, 2007, **IT IS ORDERED:**

1. That, the Amendment to the interconnection agreement entitled Amendment No. 2, submitted by Verizon Delaware LLC and ATX Licensing, Inc., on June 28, 2007, is hereby approved under 47 U.S.C. § 252(e)(2)(A).

2. That, within ten (10) days of this Order, Verizon Delaware LLC and ATX Licensing, Inc. shall file with the Commission a revised, complete interconnection agreement which shall incorporate Amendment No. 2. 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 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.

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/ Joann T. Conaway
Commissioner

PSC Docket No. 02-215, Order No. 7283 Cont'd.

/s/ Jaymes B. Lester
Commissioner

/s/ Dallas Winslow
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary