

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

IN THE MATTER OF THE JOINT APPLICATION )  
OF VERIZON DELAWARE LLC, (F/K/A BELL )  
ATLANTIC-DELAWARE, INC.), AND DIECA COM- )  
MUNICATIONS, INC., D/B/A COVAD, FOR ) PSC DOCKET NO. 99-84  
APPROVAL OF AN INTERCONNECTION AGREEMENT )  
PURSUANT TO SECTION 252(e) OF THE TELE- )  
COMMUNICATIONS ACT OF 1996 )  
(FILED MARCH 1, 1999) )

**ORDER NO. 7321**

**A. BACKGROUND**

1. On March 1, 1999, DIECA Communications, Inc., d/b/a Covad ("Covad"),<sup>1</sup> and Verizon Delaware LLC ("Verizon"), (f/k/a Bell Atlantic-Delaware, Inc. and Verizon Delaware Inc.), asked the Commission to approve an interconnection agreement negotiated between the two parties. By PSC Order No. 5100 (May 25, 1999), 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 September 20, 2007, Verizon filed a letter including Amendment No. 2 to the Interconnection Agreement between Verizon and Covad.<sup>2</sup> The Amendment, effective February 2, 2007, details the provisions for certain limitations for "Backbill Amounts." The Amendment also includes provisions for handling billing disputes and introduces a one and one-half percent (1.5%) late payment charge.

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<sup>1</sup>DIECA Communications, Inc., d/b/a Covad, holds a Certificate of Public Convenience and Necessity ("CPCN") to provide local exchange telecommunications services within this State. See PSC Order No. 4940 (Nov. 17, 1998).

<sup>2</sup>Amendment No. 1 was filed with the Commission on July 16, 2003, and approved by the Commission in PSC Order No. 6274 (Sept. 23, 2003).

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 December 4, 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 4<sup>th</sup> day of December, 2007, **IT IS ORDERED:**

1. That, the Amendment to the interconnection agreement entitled Amendment No. 2, submitted by Verizon Delaware LLC and DIECA Communications, Inc., d/b/a Covad, on September 20, 2007, is hereby approved under 47 U.S.C. § 252(e)(2)(A).

2. That, the terms and conditions set forth in PSC Orders Nos. 5100 (May 25, 1999) and 6274 (Sept. 23, 2003) shall remain in force and effect.

3. That, within ten (10) days of this Order, Verizon Delaware LLC and DIECA Communications, Inc., d/b/a Covad, 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).

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

PSC Docket No. 99-84, Order No. 7321 Cont'd.

/s/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

/s/ Dallas Winslow  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary