

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

IN THE MATTER OF THE JOINT APPLICATION                    )  
OF VERIZON DELAWARE LLC AND NEUTRAL                    )  
TANDEM-DELAWARE, LLC, FOR APPROVAL OF AN            )       PSC DOCKET NO. 08-42  
INTERCONNECTION AGREEMENT PURSUANT TO                )  
SECTION 252(e) OF THE TELECOMMUNICATIONS            )  
ACT OF 1996 (FILED FEBRUARY 21, 2008)                )

**FINDINGS AND ORDER NO. 7378**

**APPROVAL OF INTERCONNECTION AGREEMENT**

**A.    INTRODUCTION**

1.    On February 21, 2008, Verizon Delaware LLC and Neutral Tandem-Delaware, LLC,<sup>1</sup> filed an Interconnection Agreement (the "Agreement") with the Commission. The parties seek approval of the Agreement under 47 U.S.C. § 252(e)(1). All of the terms of the Agreement are the result of negotiations between the parties. Under 47 U.S.C. § 252(e)(2)(A), the Commission may reject a negotiated agreement only if it finds that:

- (a) the agreement discriminates against a telecommunications carrier not a party to the agreement; or
- (b) the implementation of such agreement is not consistent with the public interest, convenience, and necessity.

2.    The Commission provided notice of the request for approval and solicited comments on the Commission's website. Only the Commission Staff filed comments. Staff concluded that the Agreement does not appear to discriminate against telecommunications carriers who are not parties

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<sup>1</sup>Neutral Tandem-Delaware, LLC, currently holds a conditional Certificate of Public Convenience and Necessity to provide local exchange telecommunications services in Delaware. See PSC Order No. 7339 (Jan. 8, 2008).

to the Agreement and, with some prior assurances, does not appear to be inconsistent with the public interest, convenience, and necessity. Staff urged approval subject to the condition that the parties seek approval of any later changes.

**B. FINDINGS AND OPINION**

3. After consideration at its meeting on April 17, 2008, the Commission has concluded that there is no basis for finding that the Agreement discriminates against any telecommunications carrier not a party to the Agreement or that implementation of the Agreement would not be consistent with the public interest, convenience, and necessity. No person has requested that the Agreement be rejected or presented any reason for rejection. Therefore, the Commission concludes that the tendered Agreement should be approved, subject to the conditions set forth below.

**C. ORDER**

Now, therefore, this 17<sup>th</sup> day of April, 2008, **IT IS ORDERED:**

1. That, subject to the conditions set forth in this Order, the Interconnection Agreement presented by Verizon Delaware LLC and Neutral Tandem-Delaware, LLC, on February 21, 2008, is approved under the provisions of 47 U.S.C. § 252(e)(2)(A).

2. That, pursuant to the provisions of 47 U.S.C. § 252(h), the Interconnection Agreement between Verizon Delaware LLC and Neutral Tandem-Delaware, LLC, shall be made available for public inspection and copying.

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 Verizon Delaware LLC and Neutral Tandem-Delaware, LLC, shall promptly notify the Commission of the nature and terms of any changes to be made to the Agreement either by further agreement of the parties, by operation of the terms of the present agreement, or by changes in any referenced tariffs.

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/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

/s/ Dallas Winslow  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary