

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

IN THE MATTER OF THE JOINT APPLICATION)
OF VERIZON DELAWARE LLC AND BANDWIDTH.COM)
CLEC, LLC, FOR APPROVAL OF AN INTERCON-) PSC DOCKET NO. 08-90
NECTION AGREEMENT PURSUANT TO SECTION)
252(e) OF THE TELECOMMUNICATIONS ACT OF)
1996 (FILED APRIL 9, 2008))

FINDINGS AND ORDER NO. 7411

APPROVAL OF INTERCONNECTION AGREEMENT

A. INTRODUCTION

1. On April 9, 2008, Verizon Delaware LLC and Bandwidth.com CLEC, LLC,¹ 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

¹Bandwidth.com CLEC, LLC, currently holds a conditional Certificate of Public Convenience and Necessity to provide local exchange telecommunications services in Delaware. See PSC Order No. 7367 (Feb. 21, 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 July 8, 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 8th day of July, 2008, **IT IS ORDERED:**

1. That, subject to the conditions set forth in this Order, the Interconnection Agreement presented by Verizon Delaware LLC and Bandwidth.com CLEC, LLC, on April 9, 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 Bandwidth.com CLEC, 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 Bandwidth.com CLEC, 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:

Chair

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary