

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

IN THE MATTER OF THE INQUIRY INTO )  
VERIZON DELAWARE INC.'S (n/k/a )  
VERIZON DELAWARE LLC) COMPLIANCE ) PSC DOCKET NO. 02-001  
WITH THE CONDITIONS SET FORTH IN )  
47 U.S.C. § 271 )  
(FILED FEBRUARY 1, 2002) )

**ORDER NO. 7563**

This 5<sup>th</sup> day of May, 2009, the Commission determines and Orders the following:

1. On November 13, 2006, Verizon Delaware Inc., n/k/a Verizon Delaware LLC ("VZ-DE") submitted a revised Delaware Performance Assurance Plan (the "Revised DE PAP"). The Revised DE PAP reflects the September 25, 2006 revisions that the New York Public Service Commission ("NY PSC") made to a similar Performance Assurance Plan utilized in that jurisdiction. See PSC Order No. 6344 (Jan. 13, 2004) (recounting purpose of DE PAP and its history, and adopting procedural template to be utilized for future DE PAP revisions). See also PSC Order No. 6739 (Oct. 11, 2005) (deferring consideration of several New York-based changes to DE PAP to await anticipated further changes to the New York PAP resulting from the NY PSC's "annual review" proceeding).

2. On December 19, 2006, the Commission entered Order No. 7101, which extended the deadlines for opening and reply comments to the Revised DE PAP. Cavalier Telephone Mid-Atlantic, LLC ("Cavalier") thereafter submitted opening and revised comments to VZ-DE's proposed revisions to the Revised DE PAP, on January 18, 2007, and February 16,

2007, respectively. Cavalier opposed the wholesale adoption of New York-based changes to the DE-PAP. VZ-DE submitted comments, on January 19, 2007, supporting adoption of the Revised DE-PAP, and, subsequently, a decision from the Massachusetts Department of Telecommunications and Energy ("DTE"), in which, VZ-DE claimed, the DTE adopted for the Massachusetts Performance Assurance Plan the same revisions to the New York PAP that currently are under consideration by this Commission by way of the Revised DE-PAP.

4. Following these above submissions, this docket was held in abeyance while revised plans, similar if not identical to the revisions proposed for the DE-PAP, were considered in Pennsylvania. The Commission understands that those revisions were accepted in Pennsylvania and were implemented in November 2008.

**NOW THEREFORE, IT IS ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. That, given the length of time that has elapsed since comments were filed to the Revised DE-PAP, Cavalier Telephone Mid-Atlantic, LLC, and any other interested party in this docket, shall file with the Commission their current positions with respect to the Revised DE-PAP. Parties who file submissions should address, among other things, decisions in other jurisdictions, including but not limited to Pennsylvania, wherein revisions to performance assurance plans similar to the Revised DE-PAP were considered. Further, Cavalier Telephone Mid-Atlantic, LLC, and any other party opposing in whole or in part the Revised DE-PAP, should provide specific objections to those provisions that are opposed, and, where

appropriate, suggest alternative provisions. These submissions shall be filed no later than May 29, 2009, and Verizon Delaware, Inc., n/k/a Verizon Delaware LLC, shall have until June 19, 2009 to submit any response.

2. That the Commission will determine what further action is necessary following the filing of the parties' submissions noted above, including, but not limited to, whether the docket should be assigned to a hearing examiner for an evidentiary hearing.

3. That the Commission Secretary shall serve a copy of this Order upon Verizon Delaware, Inc., n/k/a Verizon Delaware LLC, who in turn shall serve an electronic copy only of this Order by e-mail on the Public Advocate, Cavalier Telephone Mid-Atlantic, LLC, and all "interested entities" (as of the date of this Order) as defined by paragraph 7 of PSC Order No. 6344 (Jan. 14, 2004).

4. 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

PSC Docket No. 02-001, Order No. 7563 Cont'd.

/s/ Jeffrey J. Clark  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary