

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

IN THE MATTER OF THE REQUEST OF TEN)
CUSTOMERS TO INITIATE AN INVESTIGATION)
INTO WHETHER VERIZON DELAWARE INC.,)
N/K/A VERIZON DELAWARE LLC, AND AT&T) PSC DOCKET NO. 06-179
COMMUNICATIONS OF DELAWARE, LLC,)
HAVE IMPROPERLY SHARED TELEPHONE RECORDS)
(FILED MAY 25, 2006))

ORDER NO. 7574

This 2nd day of June, 2009, the Commission determines and Orders the following:

WHEREAS, this docket was initiated on May 25, 2006 to address allegations of the American Civil Liberties Union of Delaware (the "ACLU-DE") that AT&T Communications of Delaware, Inc. ("AT&T") and Verizon Delaware, Inc., n/k/a Verizon Delaware LLC ("Verizon"), violated Delaware law by providing customer proprietary network information to the National Security Agency in the absence of a court order or other legal authorization; and

WHEREAS, pursuant to PSC Order No. 6965 (July 11, 2006), the Commission ordered that the proceeding should be held in abeyance for a period of six months, after which time the parties could request additional Commission action; and

WHEREAS, this proceeding was held in abeyance to await decisions of other courts addressing the legality of certain defenses under federal law that were raised by Verizon and AT&T in this proceeding; and

WHEREAS, on July 10, 2008, Congress enacted the FISA Amendments Act of 2008, 122 Stat. 2436, Pub. L. No. 110-261 (July 10, 2008) (the "FISA Amendments"), which, among other things, provided that "no state shall have authority to conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community." See 50 U.S.C. § 1885b; and

WHEREAS, on May 12, 2009, AT&T filed a motion to dismiss, asserting that the FISA Amendments bar the investigation sought in this proceeding; and

WHEREAS, AT&T states in the Motion, which was served upon Verizon and the ACLU-DE, that Verizon supports the Motion and that the ACLU-DE does not oppose it; and

WHEREAS, the Office of the Public Advocate does not oppose the Motion;

NOW THEREFORE, BY A VOTE OF NOT LESS THAN THREE COMMISSIONERS, IT IS ORDERED:

That the Motion is granted and this proceeding may now be closed.

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. 06-179, Order No. 7574 Cont'd.

Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary