

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

IN THE MATTER OF THE JOINT APPLICATION )  
OF VERIZON DELAWARE INC., N/K/A VERIZON )  
DELAWARE LLC, AND A.R.C. NETWORKS, INC., )  
D/B/A INFOHIGHWAY COMMUNICATIONS, FOR ) PSC DOCKET NO. 01-437  
APPROVAL OF AN INTERCONNECTION AGREEMENT )  
PURSUANT TO SECTION 252(e) OF THE TELE- )  
COMMUNICATIONS ACT OF 1996 )  
(FILED OCTOBER 29, 2001) )

**ORDER NO. 7576**

**A. BACKGROUND**

1. On October 29, 2001, Verizon Delaware Inc., n/k/a Verizon Delaware LLC ("Verizon"), and A.R.C. Networks, Inc., d/b/a Infohighway Communications ("A.R.C."),<sup>1</sup> submitted to the Commission an interconnection agreement negotiated between the two parties. The submitted agreement, along with the Adoption Letter dated July 10, 2001, stated that A.R.C. was exercising its rights under 47 U.S.C. § 252(i) to adopt the interconnection agreement between Verizon and Conectiv Communications, Inc. The Verizon/Conectiv agreement was approved by PSC Order No. 5533 on August 29, 2000. The Conectiv Agreement was subsequently assigned to Cavalier Communications, Inc., on July 19, 2001.

2. On March 13, 2009, Verizon filed a letter including Amendment No. 3<sup>2</sup> to the Interconnection Agreement between Verizon and A.R.C. The Amendment describes the agreement by the parties to provide certain

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<sup>1</sup>A.R.C. holds a Certificate of Public Convenience and Necessity ("CPCN") to provide local exchange and competitive intrastate telecommunications services within the State of Delaware. See PSC Findings and Order No. 5845 (Nov. 20, 2001).

<sup>2</sup>Amendment No. 1 to the Agreement was approved on January 8, 2002 in PSC Order No. 5858. Amendment No. 2 to the Agreement was approved on August 6, 2002

limitations for "Backbill Amounts," includes provisions for handling billing disputes, obligates both parties to submit on a monthly basis an itemized statement of charges incurred by the other party, and provides for a one and one-half percent (1.5%) late payment charge.

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. No party filed comments in response to the notice. There is no reason to reject the proffered Amendment. The Commission considered the Amendment at its meeting of June 2, 2009.

#### **B. FINDINGS**

5. The Commission has the authority and jurisdiction to review the Amendment 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 the Amendment 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 this Amendment discriminate against other carriers or that implementation of the Amendment 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

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in PSC Order No. 6005.

finding whether the terms and prices set forth in the Amendment 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 2<sup>ND</sup> DAY OF JUNE, 2009, BY A VOTE OF NOT LESS THAN THREE COMMISSIONERS, IT IS ORDERED:**

1. That, the Amendment to the interconnection agreement entitled Amendment No. 3, submitted by Verizon Delaware Inc., n/k/a Verizon Delaware LLC, and A.R.C. Networks, Inc., d/b/a Infohighway Communications, on March 13, 2009, is hereby approved under 47 U.S.C. § 252(e)(2)(A).

2. That, within ten (10) days of this Order, Verizon Delaware Inc., n/k/a Verizon Delaware LLC, and A.R.C. Networks, Inc., d/b/a Infohighway Communications, shall file with the Commission a revised, complete interconnection agreement which shall incorporate Amendment No. 3. 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).

3. That, pursuant to the provisions of 47 U.S.C. § 252(i), Verizon Delaware Inc., n/k/a 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 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