

**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 EUREKA TELECOM, INC., )  
D/B/A EUREKA NETWORKS, FOR APPROVAL OF ) PSC DOCKET NO. 05-429  
AN INTERCONNECTION AGREEMENT PURSUANT TO )  
SECTION 252(e) OF THE TELECOMMUNICATIONS )  
ACT OF 1996 (FILED DECEMBER 13, 2005) )

**ORDER NO. 7579**

**A. BACKGROUND**

1. On December 13, 2005, Verizon Delaware Inc., n/k/a Verizon Delaware LLC ("Verizon"), and Eureka Telecom, Inc., d/b/a Eureka Networks ("Eureka Networks"),<sup>1</sup> submitted to the Commission an interconnection agreement negotiated between the two parties. The submitted agreement along with the Adoption Letter dated November 11, 2004, stated that Eureka was exercising its rights under 47 U.S.C. § 252(i) to adopt the interconnection agreement between Verizon and Global NAPS, Inc. ("GNAPS"). The Verizon/GNAPS agreement was approved by PSC Order No. 6124 on March 18, 2003.

2. On March 13, 2009, Verizon filed a letter including Amendment No. 2 to the Interconnection Agreement between Verizon and Eureka.<sup>2</sup> The Amendment describes the agreement by the parties to provide certain limitations for "Backbill Amounts," includes provisions for handling bill disputes, obligates both parties to submit on a monthly basis an itemized

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<sup>1</sup>Eureka Networks 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. 6764 (Nov. 8, 2005).

<sup>2</sup>Both the Agreement and Amendment No. 1 were approved January 24, 2006 in PSC Order No. 6820.

state of charges incurred by the other party, and provides 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 comments were filed 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 the 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 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. 2, submitted by Verizon Delaware Inc., n/k/a Verizon Delaware LLC, and Eureka Telecom, Inc., d/b/a Eureka Networks, 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 Eureka Telecom, Inc., d/b/a Eureka Networks, shall file with the Commission a revised, complete interconnection agreement which shall incorporate Amendment No. 2. 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 as amended 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

PSC Docket No. 05-429, Order No. 7579 Cont'd.

/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