

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. 7595

This 7th day of July, 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.¹ 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).

¹VZ-DE submitted further revisions to its PAP on January 19, 2007. According to VZ-DE, these revisions reflect revisions adopted by the NY PSC on December 15, 2006. The "Revised DE-PAP" as defined herein includes those further revisions.

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. Thereafter, Cavalier Telephone Mid-Atlantic, LLC ("Cavalier") 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. In its revised comments dated February 16, 2007, Cavalier opposed the adoption of New York-based changes to the DE-PAP and instead urged the Commission to: (a) "evaluate" the Revised DE-PAP; (b) "conduct a study of the current competitive landscape" similar to a study that it stated was conducted in New Jersey; and (c) "establish a simple performance plan with a limited number of critical measures, evaluated by benchmark measurements only." In its brief submittal, Cavalier provided no suggestions for changes, nor did it provide any objections to any specific provision contained in the proposed Revised DE-PAP.

3. On January 19, 2007, VZ-DE submitted comments 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.

5. The Commission understands that those revisions were accepted in Pennsylvania and were implemented in November 2008. Accordingly, on May 5, 2009, the Commission entered Order No. 7563, which noted this fact and the length of time that had transpired since Cavalier had submitted its original comments. Therefore, the Commission, through Order No. 7563, required Cavalier, and any interested party, to file updated comments regarding their current positions with respect to the Revised DE-PAP. The Order specifically required that 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. It also required that Cavalier and any other party opposing in whole or in part the Revised DE-PAP to provide "specific objections to those provisions that are opposed, and, where appropriate, suggest alternative provisions." The Order set a deadline of May 29, 2009 for these comments, and gave VZ-DE until June 19, 2009 to submit a response to any comments that may be filed.

6. On May 27, 2009, instead of filing updated comments addressing the issues discussed in Order No. 7563, Cavalier resubmitted its February 16, 2007 comments. In a cover letter filed with those comments, Cavalier gave notice that it would not submit any further comments or objections, as required by Order

No. 7563. No other party in this proceeding filed comments or objections.

7. Although no party - including Cavalier - filed comments or objections in response to the requirement in Order No. 7563, VZ-DE nevertheless filed reply comments, on June 19, 2009, providing further support for the Commission's adoption of the Revised DE-PAP. Among other things, VZ-DE responded to the Commission's inquiry about decisions in other jurisdictions wherein NY-based revised plans were adopted. VZ-DE noted that, in addition to Massachusetts and Pennsylvania, the District of Columbia, Rhode Island, Virginia, and West Virginia have all adopted revised plans based upon revisions to the NY PAP. VZ-DE also detailed why it thought the NY-based revisions were appropriate for Delaware. Based upon the lack of opposition to any specific provision of the Revised DE-PAP, as well as the fact that it appears that numerous other jurisdictions have adopted the same revisions (in some cases, over Cavalier's objections), Staff has recommended that the Commission approve the adoption of the Revised DE-PAP.

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

1. That the revisions to the Delaware Performance Assurance Plan submitted by Verizon Delaware, Inc., n/k/a Verizon Delaware LLC, on November 13, 2006 and January 19, 2007 are hereby adopted.

2. That the Commission Secretary shall serve a copy of this Order upon 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).

3. 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/ Katie Rochester
Acting Secretary