

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

IN THE MATTER OF THE PETITION OF            )  
VERIZON DELAWARE LLC TO ABANDON            )  
TELECOMMUNICATIONS RELAY SERVICES,        )       PSC DOCKET NO. 13-001  
A BASIC SERVICE, AND RELATED TARIFF        )  
REVISIONS (FILED FEBRUARY 21, 2013;        )  
AMENDED MARCH 1, 2013)                    )

**ORDER NO. 8320**

**AND NOW**, this 19th day of March, 2013, the Public Service Commission (the "Commission") determines and orders the following:

**WHEREAS**, on February 21, 2013, Verizon Delaware LLC ("Verizon") filed proposed tariff revisions to its currently-existing Telecommunications Relay Service ("TRS") tariff<sup>1</sup> and requested both that the tariff revisions take effect on March 1, 2013,<sup>2</sup> and that the Public Service Commission ("Commission") grant Verizon a waiver of the 60 days' notice requirement as set forth in 26 *Del. C.* §304(a); and

**WHEREAS**, on March 1, 2013, Verizon amended its proposed tariff revisions by filing a signed, sworn affidavit (the proposed tariff revisions together with the affidavit are collectively called the "Application") and confirmed that it was requesting that the Commission approve its abandonment of TRS in the State of Delaware; and

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<sup>1</sup> The tariff revisions eliminate all references to TRS in Verizon's existing Delaware tariff.

<sup>2</sup> Because Delaware law does not allow retroactive tariff changes, the Commission may grant Verizon the proposed tariff changes effective only with the date of this Order.

**WHEREAS**, 26 Del. C. §704(a) provides, in pertinent part, that a telecommunications service provider may elect to determine its rates and prices for telecommunications services pursuant to Subchapter VII-A (26 Del. C. §704 et seq.), and Verizon has made such election; and

**WHEREAS**, under 26 Del. C. §705(a)(5), TRS is considered a basic service, and pursuant to 26 Del. C. §706(d), basic services may be abandoned pursuant to 26 Del. C. §203A; and

**WHEREAS**, 26 Del. C. §203A(c)(1) provides, in pertinent part, that no public utility may abandon or discontinue, in whole or in part, any regulated public utility business, operations or services provided under a certificate of public convenience and necessity or otherwise which are subject to jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance; and

**WHEREAS**, 26 Del. C. §203A(c)(3) provides that the Commission must approve any such application when it finds that the utility has met its burden of proving that the abandonment or discontinuance is reasonable, necessary and not unduly disruptive to the present or future public convenience and necessity; and

**WHEREAS**, 26 Del. C. §304(a) provides, in pertinent part, that unless the Commission otherwise orders, no public utility shall make any change in any existing rate except after 60 days' notice to the Commission;<sup>3</sup> and

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<sup>3</sup> In addition, 26 Del. Admin. C. §4003-3.5.1.7 provides that unless the Commission otherwise orders, no change may be made in any tariff with less than sixty (60) days' notice to the Commission.

**WHEREAS**, 26 *Del. C.* §304(a) further provides, in pertinent part, that the Commission, for good cause shown, may allow changes in rates without requiring the 60-days' notice and/or public notice under such conditions as it may prescribe;<sup>4</sup> and

**WHEREAS**, in its Application, Verizon is seeking the Commission's approval for its abandonment of TRS in the State of Delaware, revisions to Verizon's tariff provisions which apply solely to TRS, and a waiver of the 60 days' notice requirement for changes to its tariff. In support of its Application and waiver request, Verizon states that because new legislation took effect on January 1, 2013,<sup>5</sup> the company is no longer responsible for providing TRS in the State of Delaware. Moreover, because there was uncertainty as to the exact timing of the State of Delaware's assumption of the contract for providing TRS in Delaware, Verizon waited until this uncertainty was settled before it filed this Application;<sup>6</sup> and

**WHEREAS**, effective March 1, 2013, the State of Delaware has contracted with Sprint to be the provider of TRS in Delaware; and

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<sup>4</sup> Moreover, under 26 *Del. Admin. C.* §4003-3.5.1.8, the Commission, for good cause shown, may allow changes in rates, tolls, charges, rules, regulations, classifications, exceptions, conditions or practices without requiring the sixty (60) days' notice. In such cases, the proposed change shall be filed with the Commission, together with an application for waiver of the statutory notice, setting forth the time when it is desired to put the change into effect and the reason or reasons therefore; but no such change shall become effective except as provided by order of the Commission.

<sup>5</sup> See 26 *Del. C.* §220(o).

<sup>6</sup> On February 28, 2013, the State of Delaware signed an assumption and assignment agreement with Verizon Corporate Services Group, Inc. and Sprint Communications Company, L.P. ("Sprint") for the transfer of the provisions of TRS in the State of Delaware effective March 1, 2013.

**WHEREAS**, because the responsibility for the provision of TRS in the State of Delaware has been transferred from Verizon to the State of Delaware via both 26 *Del. C.* §220 and the signed assumption and assignment agreement between Verizon, Sprint, and the State of Delaware, Verizon's abandonment of TRS is reasonable, necessary, and not unduly disruptive to the present or future public convenience and necessity; and

**WHEREAS**, Commission Staff, in its memorandum dated March 12, 2013, recommends that the Commission approve the abandonment request, Verizon's tariff revisions which relate to TRS, and the waiver of the 60 days' notice required by Delaware law;

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

1. That for the reasons provided by Verizon Delaware LLC ("Verizon") in its verified application, the Commission hereby finds "good cause" to waive the 60-days' notice requirement as set forth in 26 *Del. C.* §304(a)(1) and approves Verizon's proposed changes to its tariff provisions relating to Telecommunications Relay Service ("TRS") effective on and after March 19, 2013. Verizon is hereby ordered to file an updated version of its Delaware tariff with the elimination of references to TRS and with an effective date of March 19, 2013, per 26 *Del. Admin. C.* §4003-3.5.1.9.

2. That for the reasons set forth above and in Verizon's verified application, the Commission finds that Verizon's abandonment of TRS is reasonable, necessary, and not unduly disruptive to the present or future public convenience and

necessity and therefore approves Verizon's request to abandon the provision of TRS in the State of Delaware effective with the date of this Order.

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/ Dallas Winslow  
Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

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Commissioner

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Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary