

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 26, 2002

**IN RE: THE INTERCONNECTION)
AGREEMENT NEGOTIATIONS)
BETWEEN AT&T)
COMMUNICATIONS OF THE SOUTH)
CENTRAL STATES, INC., TCG)
MIDSOUTH, INC. AND BELL SOUTH)
TELECOMMUNICATIONS, INC.)
PURSUANT TO SECTION 252)**

DOCKET NO. 00-00079

**ORDER GRANTING REQUESTS FOR
RECONSIDERATION AND CLARIFICATION**

This docket came before the Directors of the Tennessee Regulatory Authority ("Authority"), acting as Arbitrators, at the December 18, 2001 Authority Conference upon the filing of *BellSouth Telecommunications, Inc.'s Motion for Reconsideration and Clarification* ("Motion for Reconsideration") and *AT&T and TCG Petition for Reconsideration of Initial Order* ("Petition for Reconsideration").

I. Procedural History

AT&T Communications of the South Central States, Inc. and TCG MidSouth, Inc. (collectively "AT&T") filed the *Petition by AT&T and TCG for Arbitration Under the Telecommunications Act of 1996* on February 4, 2000. BellSouth Telecommunications, Inc. ("BellSouth") filed a response on February 29, 2000. At the March 14, 2000 Authority Conference, the Directors accepted the arbitration, appointed themselves as arbitrators, appointed a Pre-

Arbitration Officer, and directed the parties to participate in substantive mediation.¹ On November 21, 2000, the parties filed a joint issues matrix listing nineteen (19) disputed issues.

On April 3, 2001, the parties filed a *Revised Issues Matrix for Arbitration Between AT&T and BellSouth*. According to this filing, the parties settled Issues 8, 11, 17(a), 17(b), 17(c), 17(d), 17(f), 17(j), and 17(k). The parties also agreed to resolve Issue 6 upon completion of Docket No. 00-00544.² Thus, the remaining issues in dispute were 1, 2, 3, 4, 5, 7, 9, 10, 12, 13, 14, 15, 16, 17(e), 17(g), 17(h), 17(i), 18 (a) through (c), and 19. The Directors, acting as arbitrators, held a hearing on the remaining issues on April 9 and 10, 2001. On August 7, 2001, AT&T filed a letter notifying the Authority that AT&T and BellSouth had settled Issues 5 and 9. The Arbitrators deliberated the merits of all outstanding issues immediately following the regularly scheduled Authority Conference on September 25, 2001 and entered the *Final Order of Arbitration Award* on November 29, 2001.

II. Requests for Reconsideration

BellSouth filed its Motion for Reconsideration on December 14, 2001 seeking reconsideration of Issues 2, 3, 14, and 19 and clarification of Issues 15 and 18(b) and (c). On that same day, AT&T filed its Petition for Reconsideration requesting the Authority reconsider its decisions of Issues 10 and 12. AT&T filed a memorandum in opposition to BellSouth's Motion for Reconsideration on December 27, 2001, and BellSouth filed a response to AT&T's Petition for Reconsideration on January 14, 2002.

Upon consideration of the filings of the parties in this matter, the Arbitrators determined that there was sufficient cause to reconsider the *Final Order of Arbitration Award* entered on November 29, 2001. Pursuant to Tenn. Code Ann. §4-5-317, BellSouth's Motion for

¹ See *Order Accepting Arbitration, Appointing Pre-Arbitration Officer and Directing Mediation*, p. 2 (May 18, 2000).

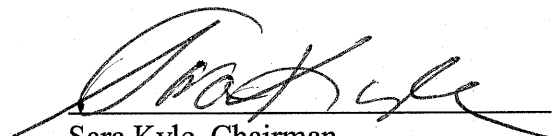
² In re: *Generic Docket to Establish UNE Prices for Line Sharing Per FCC 99-355, and Riser Cable and Terminating Wires as Ordered in TRA Docket 98-00123*.

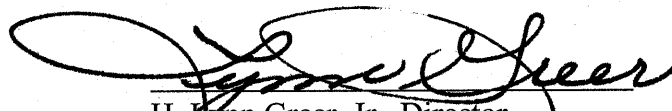
Reconsideration and AT&T's Petition for Reconsideration are granted.³ The Arbitrators will determine the merits of the requests for reconsideration at a future date to be set by notice sent to all parties of record.

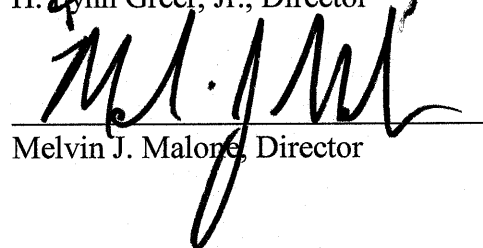
IT IS THEREFORE ORDERED THAT:

1. *BellSouth Telecommunications, Inc.'s Motion for Reconsideration and Clarification* filed by BellSouth Telecommunications, Inc. on December 14, 2001 is granted; however, the Arbitrators will address the merits of the reconsideration at a later date.

2. *AT&T and TCG Petition for Reconsideration of Initial Order* filed by AT&T Communications of the South Central States, Inc. and TCG MidSouth, Inc. on December 14, 2001 is granted; however, the Arbitrators will address the merits of the reconsideration at a later date.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary

³ The pertinent subsections of Tenn. Code Ann. § 4-5-317 provide as follows:

(c) The person or persons who rendered the initial or final order, which is the subject of the petition, shall, within twenty (20) days of receiving the petition, enter a written order either denying the petition, granting the petition and setting the matter for further proceedings; or granting the petition and issuing a new order, initial or final, in accordance with § 4-5-314. If no action has been taken on the petition within twenty (20) days, the petition shall be deemed to have been denied.

(d) An order granting the petition and setting the matter for further proceedings shall state the extent and scope of the proceedings, which shall be limited to argument upon the existing record, and no new evidence shall be introduced unless the party proposing such evidence shows good cause for such party's failure to introduce the evidence in the original proceeding.

Notwithstanding the provisions in subsection (c) above that "a written order" be entered within twenty (20) days of the filing of a petition for reconsideration, the Authority acted on the requests for reconsideration within twenty (20) days.