

BEFORE THE TENNESSEE REGULATORY AUTHORITY AT

NASHVILLE, TENNESSEE

September 20, 2002

IN RE:

**PETITION FOR APPROVAL OF
INTERCONNECTION AGREEMENT
BETWEEN AT&T COMMUNICATIONS
OF THE SOUTH CENTRAL STATES, INC.,
TCG MIDSOUTH, INC., AND BELL SOUTH
TELECOMMUNICATIONS, INC.**

DOCKET NO. 00-00079

ORDER APPROVING INTERCONNECTION AGREEMENT

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate, and Director Ron Jones of the Tennessee Regulatory Authority ("Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference on August 19, 2002 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the interconnection agreement (the "Agreement") negotiated between AT&T Communications of the South Central States, Inc. and TCG MidSouth, Inc. (collectively "AT&T") and BellSouth Telecommunications, Inc. ("BellSouth").

Background

On February 4, 2000, AT&T filed a petition for arbitration pursuant to Section 252(b) of the Federal Telecommunications Act of 1996 (the "Act"). See 47 U.S.C. § 252(b). BellSouth filed a response on February 29, 2000. At the March 14, 2000

Authority Conference, the Directors,¹ acting as Arbitrators, accepted the arbitration, appointed themselves as Arbitrators, appointed a Pre-Arbitration Officer, and directed the parties to participate in substantive mediation.² 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 Issue Nos. 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. 00-00544.³ 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.

The Arbitrators entered a *Final Order of Arbitration Award* on November 29, 2001. The Order reflected the Arbitrators' resolution of all the unresolved issues between the parties. BellSouth filed a motion for reconsideration on December 14, 2001 seeking reconsideration of Issue Nos. 2, 3, 14 and 19 and clarification of Issues 15 and 18(b) and (c). On that same day, AT&T filed a petition for reconsideration requesting that the

¹ The terms of the former Directors of the Authority, Chairman Sara Kyle, Director H. Lynn Greer, Jr., and Director Melvin J. Malone, expired on June 30, 2002. Chairman Sara Kyle was reappointed and commenced a new term as a Director of the Authority on July 1, 2002. Pursuant to the requirements of the amended provisions of Tenn. Code Ann. §65-1-204, a three member voting panel consisting of Chairman Sara Kyle, Director Deborah Taylor Tate, and Director Ron Jones was randomly selected and assigned to this docket.

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

³ 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.

Authority reconsider its decisions of Issue Nos. 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 reconsideration and AT&T's petition for reconsideration were granted.⁴

The Arbitrators determined the merits of the requests for reconsideration immediately following the March 12, 2002 Authority Conference. The decisions on Issue Nos. 10 and 18(b) and (c) made by the Arbitrators were clarified in an Order entered by the Arbitrators on April 22, 2002.⁵

Findings and Conclusions

Based upon the review of the Agreement, the record in this matter, and the standards for review set forth in Sections 251 and 252, the Directors voted unanimously to approve the Agreement and made the following findings and conclusions:

- 1) The Agreement is in the public interest as it provides consumers with alternative sources of telecommunications services within BellSouth Telecommunications, Inc.'s service area.
- 2) The Agreement is not discriminatory to telecommunications service providers that are not parties thereto.
- 3) No party has sought intervention in this docket.

⁴ See *Order Granting Requests for Reconsideration and Clarification*, p. 3 (Feb. 26, 2002).

⁵ See *Order Granting in Part Requests for Reconsideration and Clarification*, pp. 11-12 (April 22, 2002).


4) Approval of the Agreement is consistent with the Authority's *Final Order of Arbitration Award* entered on November 29, 2001 and the Authority's *Order Granting in Part Requests for Reconsideration and Clarification* entered on April 22, 2002, and Sections 251 and 252 of the Act.

5) The approval of the Agreement is consistent with previous Authority decisions and orders; and

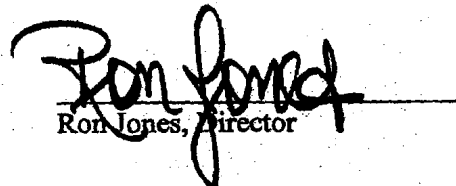
6) The Agreement is reviewable by the Authority pursuant to Sections 251 and 252 of the Act and Tenn. Code Ann. § 65-4-104.

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the interconnection agreement between AT&T Communications of the South Central States, Inc. and TCG MidSouth, Inc. and BellSouth Telecommunications, Inc. is approved and is subject to the review of the Authority as provided herein.


Sara Kyle, Chairman


Deborah Taylor Tate, Director


Ron Jones, Director