

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

March 28, 2002

IN RE:

**PETITION OF SPRINT COMMUNICATIONS
COMPANY L.P. FOR ARBITRATION WITH
BELL SOUTH TELECOMMUNICATIONS,
INC. PURSUANT TO SECTION 252(b) OF THE
TELECOMMUNICATIONS ACT OF 1996**

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DOCKET NO. 00-00691

ORDER

This docket came before the Directors of the Tennessee Regulatory Authority ("Authority") at a regularly scheduled Authority Conference on February 26, 2002 for approval of an Interconnection Agreement ("Agreement") negotiated between BellSouth Telecommunications, Inc. ("BellSouth") and Sprint Communications Company L.P. ("Sprint") pursuant to Sections 251 and 252 of the Telecommunications Act of 1996 ("Act").

Sprint filed its petition for arbitration on August 7, 2000, and BellSouth filed a response to the petition on September 1, 2000. Immediately following a regularly scheduled Authority Conference on December 18, 2001, the Directors, acting as arbitrators, resolved the only remaining issues and directed the parties to file their interconnection agreement with the Authority by January 17, 2002.

On January 15, 2002, BellSouth and Sprint filed a joint motion requesting an extension until January 24, 2002 within which to file their interconnection agreement. On January 24, 2002, BellSouth filed the Agreement that is the subject of this Order. BellSouth later filed corrected pages on January 31 and February 7, 2002. The Authority deliberated approval of the Agreement at the February 26, 2002 Authority Conference.¹

II. Findings and Conclusions

The Telecommunications Act of 1996 requires that all interconnection agreements be submitted to the appropriate state commission for approval.² The state commission may approve or reject the agreement or it may choose not to act, under which circumstance the agreement will be deemed approved after a statutorily mandated period of time.³ Section 252(e)(2) provides that a state commission may reject an interconnection agreement if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.”⁴ While neither ground for rejection specifically exists in this case, the Agreement contains language involving port and loop combinations, enhanced extended links, and the summation of stand-alone costs for combinations that is inconsistent with

¹ During the Conference, BellSouth represented that the parties had learned there were errors in the nonrecurring rates contained in the Agreement and that the parties signed an amendment correcting the errors. BellSouth further represented that the parties expected to file the amendment on February 26, 2002. See Transcript of Proceedings, Feb. 26, 2002, p. 14 (Authority Conference). On February 27, 2002, BellSouth and Sprint filed a *Petition for Approval of the Amendment to the Interconnection Agreement Negotiated Between BellSouth Telecommunications, Inc. and Sprint Communications Company, L.P. Pursuant to the Telecommunications Act of 1996*. In the cover letter to the Petition, the parties stated: “The parties agree that, as amended, the Agreement complies in all respects with the arbitrators’ rulings in this arbitration proceeding, including the rulings related to [enhanced extended links] and [unbundled network element] combinations. (See for example, Sections 1.4.1, 13.2.1 and 14.2.1 of Attachment 2).” This Order does not speak to the approval of the amendment.

² See 47 U.S.C. § 252(e)(1) (Supp. 2000).

³ See *id.* § 252(e)(4). A negotiated agreement is deemed approved ninety (90) days after its submission for approval, and an arbitrated agreement is deemed approved thirty (30) days after its submission for approval.

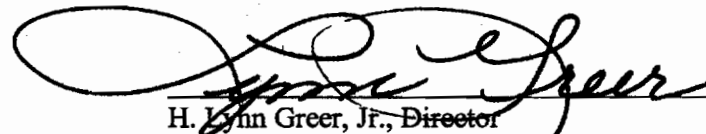
⁴ *Id.* § 252 (e)(2).

previous Authority orders.⁵ Based on the foregoing, a majority⁶ of the Directors voted to take no action on the Agreement.

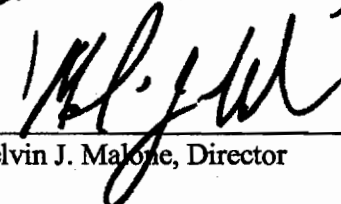
IT IS THEREFORE ORDERED THAT:

No action shall be taken on the Interconnection Agreement submitted for approval by BellSouth Telecommunications, Inc. and Sprint Communications Company L.P. on January 24, 2002. By operation of Section 252(e)(4) of the Telecommunications Act of 1996, the Interconnection Agreement shall be deemed approved on April 24, 2002.

Sara Kyle, Chairman



H. Lynn Greer, Jr., Director



Melvin J. Malone, Director

ATTEST:



K. David Waddell, Executive Secretary

⁵ See *In re: Petition of BellSouth Telecommunications Inc. to Convene a Contested Case to Establish "Permanent Prices" for Interconnection and Unbundled Network Elements*, Docket No. 97-01262, *Correction of Transcript of April 25, 2000 Authority Conference and Erratum to Second Interim Order Re: Revised Cost Studies and Geographic Deaveraging*, p. 2 (Mar. 6, 2001); *BellSouth/CLEC Agreement*, Attachment 2, p. 48-49, paras. 13.6.1.2, 13.6.1.3 & 14.2.2 (Jan. 24, 2002).

⁶ Chairman Kyle did not vote with the majority. Instead, she moved for approval of the Agreement. See *Transcript of Proceedings*, Feb. 26, 2002, p. 15 (Authority Conference).