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T.R.A. DOCKET ROOM

IN RE: COMPLAINT OF AENEAS COMMUNICATIONS)
AGAINST CITIZENS COMMUNICATIONS IN)
WEAKLEY COUNTY, TENNESSEE)

Docket No. 02-00438

MOTION OF AENEAS TO JOIN BELL SOUTH AS A PARTY

Aeneas Communications, Inc. ("Aeneas") requests that BellSouth Telecommunications, Inc. ("BellSouth") be joined as a party to this proceeding pursuant to TRA Rule 1220-1-2-.22. According to TRA Rule 1220-1-2-.22,

In any contested case the Authority or the Hearing Officer: (2) may, on its own motion or *the motion of any party*, allow amendments, consolidate cases, *join parties*, sever aspects of the case for separate hearings, permit additional claims or contentions to be asserted, bifurcate or otherwise order the course of proceedings in order to further the just, efficient, and economical disposition of cases consistent with the statutory policies governing the Authority.

Tenn. Comp. R. & Regs. 1220-1-2-.22 (Sept. 2000) (emphasis added).


Based on discussions among the parties and with representatives of BellSouth prior to the scheduled hearing in this matter, the possibility was raised that this complaint could be resolved if BellSouth provided Aeneas with a UNE loop to connect Aeneas and Citizens for the purpose of exchanging local traffic between the two carriers. BellSouth, however, subsequently informed the parties that BellSouth could not provide a UNE loop for this purpose but that BellSouth could provide Aeneas with a more expensive, special access circuit to connect Citizens and Aeneas.

That solution, however, is too expensive given the relatively small amount of traffic between the two carriers.

On the other hand, the FCC's recently released Triennial Review Order ("Order") states that a competing carrier has the right to convert a special access circuit to a UNE loop, subject to certain conditions spelled out in the Order.¹ It appears that a BellSouth-provided special access circuit used to carry local traffic between Aeneas and BellSouth meets the FCC's criteria for conversion to a UNE loop. Further discussions and investigation are needed to determine whether such a conversion could resolve this complaint. As such, if BellSouth is not joined as a party to the proceeding, "complete relief cannot be accorded among those already parties." Tenn. R. Civ. P. 19.01.

Therefore, Aeneas requests that BellSouth be joined as a party to the above-captioned proceeding.

Respectfully submitted,

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¹ *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338; *Implementation of the Telecommunications Act of 1996*, CC Docket No. 96-98; *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, FCC 03-36 (rel. August 21, 2003), ¶¶585-589.

CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2004, a copy of the foregoing document was serviced on the parties of record, via US mail:

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