

August 29, 2002

**PETITION FOR APPROVAL OF
AMENDMENTS TO THE
INTERCONNECTION AGREEMENT
BETWEEN BELLSOUTH
TELECOMMUNICATIONS, INC. AND TIME
WARNER TELECOM**

DOCKET NO. 02-00526

The original interconnection agreement between these parties was filed on January 17, 2001 and was assigned Docket No. 99-00797. It was approved at a regularly scheduled Authority Conference on February 6, 2001. The first amendment to the agreement was filed on August 6, 2001 under Docket No. 01-00314. The Authority approved the first amendment on June 26, 2001. The second amendments, which are the subject of this docket, were filed on May 9, 2002 under Docket No. 02-00526.

Based upon the review of the second amendments, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

2) The amendments are in the public interest as they provide consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.

3) The amendments are not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only 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.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).¹ Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendments are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

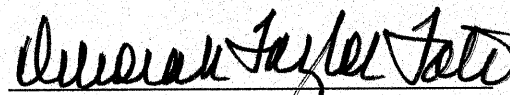
5) No person or entity has sought to intervene in this docket.

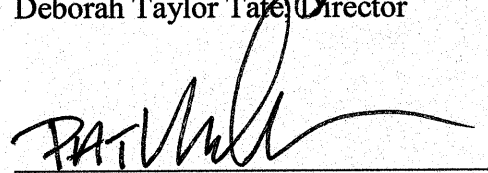
6) The amendments are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

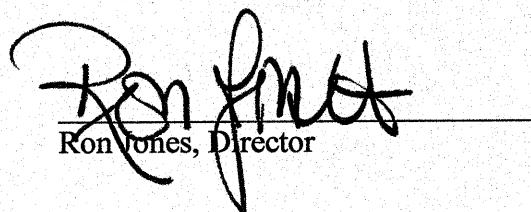
¹ See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the second amendments to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Time Warner Telecom are approved and are subject to the review of the Authority as provided herein.


Deborah Taylor Tate, Director


Pat Miller, Director


Ron Jones, Director