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BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 7, 2003

IN RE:

**PETITION FOR APPROVAL OF
AMENDMENT TO INTERCONNECTION
AGREEMENT BETWEEN BELL SOUTH
TELECOMMUNICATIONS, INC. AND
TELE-SYS, INC. D/B/A ACCESS
AMERICA TELEPHONE CO.**

DOCKET NO. 02-01185

**ORDER APPROVING
AMENDMENT TO THE INTERCONNECTION AGREEMENT**

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate, and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on December 2, 2002 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Tele-Sys, Inc. d/b/a Access America Telephone Company.

The original interconnection agreement between these parties was filed on April 3, 2002 and was assigned Docket No. 02-00352. A majority¹ of the Directors² voted to take no action on the agreement at a regularly scheduled Authority Conference held on June 11, 2002. By

¹ Chairman Kyle did not vote with the majority. Instead, she voted in favor of approval of the agreement.

² 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 Pat Miller was randomly selected and assigned to this docket.

operation of Section 252(e)(4)³ of the Telecommunications Act of 1996, the interconnection agreement was deemed approved on July 2, 2002. The first amendment to the interconnection agreement (the "amendment"), which is the subject of this docket, was filed with the Petition on October 31, 2002.

Based upon a review of the amendment, 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 amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.

3) The amendment is 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).⁴ 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 amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

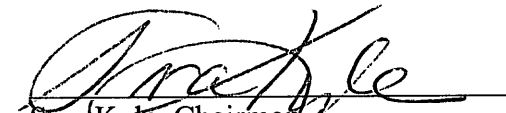
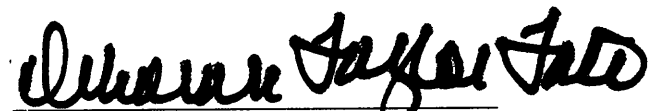
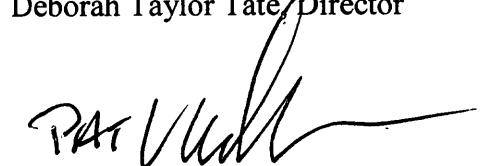
³ See 47 U.S.C. § 252(e)(4). If a state commission does not act to approve or reject a negotiated interconnection agreement, such agreement is deemed approved ninety (90) days after its submission for approval.

⁴ See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

- 5) No person or entity has sought to intervene in this docket.
- 6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the first amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Tele-Sys, Inc. d/b/a Access America Telephone Company is approved and is subject to the review of the Authority as provided herein.


Sara Kyle, Chairman
Deborah Taylor Tate, Director
Pat Miller, Director