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BEFORE THE TENNESSEE REGULATORY AUTHORITY

T.R.A. DOCKET ROOM

**RE: Complaint by Aeneas Communications, LLC  
against Bellsouth Telecommunications Alleging  
Anti-Competitive Practices**

**Docket 02-01274**

**STATUS REPORT**

Aeneas Communications, LLC filed this complaint with the Authority in December of 2002 alleging various examples of apparent attempts by BellSouth to create 'busy-work' and impede the company's ability to operate a telephone company, in violation of various state and federal laws.

Similar problems were noted by outgoing Chairman Powell as a CLEC weakness characterized as "*dependency on an intransigent incumbent, who if committed to frustrate entry has a thousand ways to do so in small, imperceptible ways*".\*

The file has received supplements from time to time as Bellsouth's conduct warranted.

As this situation has continued to manifest, Aeneas was forced to file for arbitration of it's interconnect agreement with Bellsouth as most of Aeneas' proposals for new ICA terms were rejected out of hand, it being well known that for most services, there is no other source for a CLEC. In the midst of this arbitration proceeding, the FCC released it's Triennial Review press release some half a year before releasing an actual Order. During this 'press release' period, arbitration was on hold, as well as resolution of other disputes with BellSouth until it could be divined what the state of the law actually was going to be. This was further delayed by the DC Circuit's reversal of some of the TRO rules and the subsequent 'interim' rulemaking efforts by the FCC and efforts by BellSouth to push "Commercial Agreements" on CLECs during this period of uncertainty. With the new "TRRO", BellSouth has again put forth two 'take it or leave it' contract proposals which Aeneas is currently evaluating. Of course, as this evaluation was taking place, BellSouth has agreed to continue the drop dead date for UNE-P, and this CLEC, like others, is trying to plan what happens next.

\*Reza Dibadj, "Competitive Debacle in Local Telephony:"  
It is available from: <http://law.wustl.edu/WULQ/81-1/p%201%20Dibadj.pdf>

**All this is to say, Aeneas does indeed wish to continue this docket and take advantage of the Authority's suggestion that we work with an arbiter, but the staff and counsel have been so busy with other substantive matters stirred up by BellSouth that the it had to be prioritized behind the TRRO and ICA matters.**

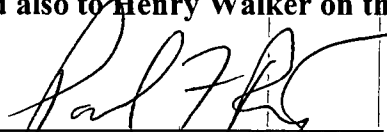
**Aeneas requests that the matter be retained on the docket for further proceedings involving the arbiter.**

**This the 11th day of March, 2005.**



**Paul Rice, Esq.  
Attorney for Aeneas**

**I certify that a true copy of this document was forwarded by email and US Post to Guy Hicks, Esq., for BellSouth, and also to Henry Walker on this the 11<sup>th</sup> day of March, 2005.**



**Paul Rice**