

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

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| IN RE: | January 11, 2008 |) | |
| | |) | |
| REQUEST OF RANDALL KIZER FOR EXEMPTION | |) | DOCKET NO. |
| INTO THE LOUDON COUNTY TARIFF ZONE | |) | 03-00435 |

ORDER CLOSING DOCKET

This matter came before Director Pat Miller, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on October 8, 2007 to consider closing the docket.

BACKGROUND

On February 11, 2003, Mr. Randall Kizer of 619 County Road 298, Sweetwater, Tennessee, filed a complaint with the Consumer Services Division ("CSD"). In his complaint, Mr. Kizer stated that BellSouth changed the NXX prefix associated with his telephone number from 337 to 213 several years prior to his complaint. Further, Mr. Kizer maintains that from 1994 until December 2002, no long distance charges were incurred for calls made to Loudon, Tennessee, but in December 2002 BellSouth began to charge for such calls without prior notice or explanation.

BellSouth responded to the complaint on February 26, 2003 stating that a records order was completed on October 11, 2002 changing Mr. Kizer's address to 619 County Road 298 from 5439 Blue Springs Road. This order also changed his Taxing Area Rate ("TAR") code from Loudon County to McMinn County, which is why he is now being billed for calls to Loudon, Tennessee.

On April 1, 2003, the CSD received a letter from Mr. Kizer that provided documentation that he alleged showed his home in Loudon County. Mr. Kizer also stated that he was told by BellSouth that all he needed to show is that his home and/or property are partially located in Loudon County and that he has fulfilled this requirement.

The CSD forwarded the additional information to BellSouth for its consideration in preparing its response. In its April 28, 2003 response, BellSouth stated that McMinn County E911 checked the Kizer's address and determined it was in McMinn County and that when BellSouth checked the Tax Assessors Office, it found that the 2003 taxes were paid for a dwelling and one acre of land in McMinn County. Therefore, BellSouth maintains that Mr. Kizer's house is located in McMinn County.

On June 1, 2003, the CSD presented the results of its investigation to Mr. Kizer. The CSD investigation of the complaint found that the Loudon County E911 Board changed Mr. Kizer's address from 5439 Blue Springs Road to 619 County Road 298 and that the McMinn County E911 Board had stated that all addresses on this county road are in McMinn County. The CSD also explained that the West Sweetwater exchange was created for Loudon County residents only to provide them with Metro Area Calling into Knox County as well as Loudon County and that forcing BellSouth to allow a McMinn County resident to have a West Sweetwater telephone number would constitute a tariff violation. CSD informed Mr. Kizer that he had the right to ask for a hearing before the Authority if he wished to pursue the matter further.

On July 9, 2003, Mr. Kizer filed a request for a hearing before the Authority to hear and review documentary proof as to why telephone number (865) 213-6381 should be grandfathered into Loudon County. BellSouth responded to the complaint on July 21, 2003, and the General Counsel forwarded the Company's response to Mr. Kizer on July 24, 2003.

On July 31, 2003, Mr. Kizer responded and stated that the matter is still unresolved to his satisfaction. Over the course of several months thereafter, settlement discussions were held between Mr. Kizer and BellSouth, with the General Counsel facilitating. The parties reached an impasse in negotiations, and the matter was not actively pursued.

In February 2007, the CSD attempted once again to mediate this complaint with BellSouth and Mr. Kizer. After several discussions with the parties separately, BellSouth offered another proposed settlement. The CSD attempted to forward BellSouth's proposal to Mr. Kizer on three different occasions with instructions to notify the CSD in writing whether he accepted or rejected BellSouth's proposal. Mr. Kizer did not respond to any of the letters in writing, as requested, despite telephone discussions with him describing BellSouth's proposal and requesting a written response.


FINDINGS AND CONCLUSIONS

After review of the record in this matter and the lack of response from Mr. Kizer to BellSouth's proposed settlement offer in this docket, the panel voted unanimously to close this docket without prejudice.

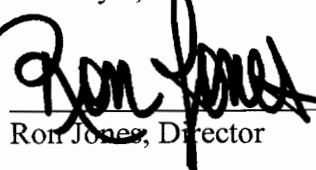
IT IS SO ORDERED.

* * *

Pat Miller, Director¹



Sara Kyle, Director



Ron Jones, Director

¹ Director Miller voted in agreement with the other directors but resigned his position as Director before the issuance of this order.