

# TENNESSEE REGULATORY AUTHORITY



460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

## NOTICE OF FILING COMMENTS

**DOCKET:** 03-00585

**IN RE:** *Petition for Arbitration of CELLCO Partnership d/b/a Verizon Wireless, Petition for Arbitration of BellSouth Mobility LLC; BellSouth Personal Communications, LLC; Chattanooga MSA Limited Partnership; Collectively d/b/a Cingular Wireless, Petition for Arbitration of AT & T Wireless PCS, LLC d/b/a AT&T Wireless; Petition for Arbitration of T-Mobile USA, Inc., Petition for Arbitration of Sprint Spectrum L.P. d/b/a Sprint PCS*

**DATE:** June 14, 2012

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On January 12, 2006, a panel of the Directors of the Tennessee Regulatory Authority ("Authority") serving as an arbitration panel in the above-styled docket issued its *Order of Arbitration Award* memorializing its decisions on the numerous issues raised in the arbitration of interconnection agreements between certain commercial mobile radio service providers ("CMRS Providers")<sup>1</sup> and the Tennessee Rural Coalition ("Coalition").<sup>2</sup> As to CMRS Providers' Issue 8, a majority of the arbitration panel required the use of a Total Element Long Range Incremental Cost ("TELRIC") pricing, rejecting the Coalition's pricing proposal which included embedded costs, adopted an interim rate equal to that established for BellSouth in Docket No. 97-01262 subject to true-up, and voted to commence additional proceedings to establish a permanent rate.<sup>3</sup>

On June 23, 2006, pursuant to 47 U.S.C. § 251(f)(2), the Coalition filed in Docket No. 03-00585 a Petition for Modification and Suspension ("*Petition*") of certain aspects of the requirements of 47 U.S.C. § 251(b) of the Communications Act of 1934, as amended the Telecommunications Act of 1996, to the extent those requirements may be interpreted as

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<sup>1</sup> CELLCO Partnership d/b/a Verizon Wireless ("Verizon Wireless"); BellSouth Personal Communications, LLC, Chattanooga MSA Limited Partnership (collectively "Cingular Wireless"); AT&T Wireless PCS, LLC d/b/a AT&T Wireless ("AT&T Wireless"); T-Mobile USA, Inc. ("T-Mobile"); and Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint").

<sup>2</sup> The Coalition is comprised of the following companies: Ardmore Telephone Company, Inc.; Ben Lomand Rural Telephone Cooperative, Inc.; Bledsoe Telephone Cooperative; CenturyTel of Adamsville, Inc.; CenturyTel of Claiborne, Inc.; CenturyTel of Ooltewah-Collegedale, Inc.; Concord Telephone Exchange, Inc.; Crockett Telephone Company, Inc.; DeKalb Telephone Cooperative, Inc.; Highland Telephone Cooperative, Inc.; Humphreys County Telephone Company; Loretto Telephone Company, Inc.; Millington Telephone Company; North Central Telephone Cooperative, Inc.; Peoples Telephone Company; Tellico Telephone Company; Tennessee Telephone Company; Twin Lakes Telephone Cooperative Corporation; United Telephone Company; West Tennessee Telephone Company, Inc.; and Yorkville Telephone Cooperative.

<sup>3</sup> *Order of Arbitration Award*, p. 38-41 (January 12, 2006).

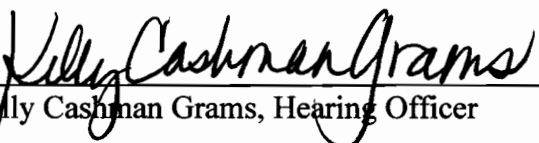
requiring Coalition members to establish charges for transport and termination of telecommunications traffic on the basis of a TELRIC methodology.”<sup>4</sup> On August 29, 2006, the arbitration panel opened Docket No. 06-00228 and therein transferred the *Petition* and all related filings for consideration. On July 9, 2007, a majority of the voting panel assigned to Docket No. 06-00228 voted to grant the Coalition’s *Petition*, as amended.<sup>5</sup> In granting the *Petition*, the majority found that the availability and existence of alternative and less burdensome methods were consistent with the public interest, convenience and necessity, and, thus, suspended the requirement set forth in the *Order of Arbitration Award* that a TELRIC methodology be used in the setting of telecommunications transport and termination traffic rates in the interconnection agreements between the CMRS Providers and Coalition.<sup>6</sup>

With the resolution of Docket No. 06-00228, the abeyance ordered by the arbitration panel on September 11, 2006 in Docket No. 03-00585 is lifted to allow the commencement of proceedings to establish a permanent rate, as previously ordered by the arbitration panel. Therefore, the parties are directed to file comments discussing the following items:

1. Issues that must be resolved in order to bring this docket to resolution;
2. The impact, if any, of the Federal Communications Commission’s Order on Intercarrier Compensation and Universal Service on this proceeding;
3. Rate-setting methodologies available to the Authority given its decision suspending the use of TELRIC in Docket No. 06-00228; and,
4. The procedural steps necessary to bring this matter to conclusion.

Further, the parties are directed to file all comments with the Authority’s Docket Manager, Ms. Sharla Dillon, by **August 1, 2012.**

**FOR THE TENNESSEE REGULATORY AUTHORITY**

  
Kelly Cashman Grams, Hearing Officer

Original in docket file  
cc: Counsel for parties of record

<sup>4</sup> Petition for Modification and Suspension (June 23, 2006).

<sup>5</sup> *In re Petition of the Tennessee Rural Independent Coalition for Suspension and Modification Pursuant to 47 U.S.C. 251(f)(2), Docket No. 06-00228, Order Granting Suspension of Requirement to Utilize TELRIC Methodology in Setting Transport and Termination Rates* (June 30, 2008) (2-1 decision)(Dir. Jones, dissenting).

<sup>6</sup> *Id.*