

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 6, 2015

IN RE:

PETITION FOR ARBITRATION OF CELLCO PARTNERSHIP)	
D/B/A VERIZON WIRELESS, PETITION FOR ARBITRATION)	
OF BELL SOUTH MOBILITY LLC; BELL SOUTH PERSONAL)	
COMMUNICATIONS, LLC; CHATTANOOGA MSA LIMITED)	DOCKET NO.
PARTNERSHIP; COLLECTIVELY D/B/A CINGULAR)	03-00585
WIRELESS, PETITION FOR ARBITRATION OF AT&T)	
WIRELESS PCS, LLC D/B/A AT&T MOBILITY; PETITION)	
FOR ARBITRATION OF T-MOBILE USA, INC., PETITION)	
FOR ARBITRATION OF SPRINT SPECTRUM L.P. D/B/A)	
SPRINT PCS)	

ORDER GRANTING JOINT MOTION TO DISMISS

This matter came before Vice Chairman David F. Jones, Director Kenneth C. Hill, and Director James M. Allison of the Tennessee Regulatory Authority ("Authority" or "TRA"), the Panel of Arbitrators ("Panel") assigned to this docket, on November 4, 2014 for consideration of the *Joint Motion to Dismiss* filed by the parties on October 21, 2014.

RELEVANT BACKGROUND

In 2003, several commercial mobile radio service providers ("CMRS Providers") petitioned the Authority to arbitrate certain controversies that prevented the execution of interconnection and reciprocal compensation agreements ("ICAs") with many rural and small local exchange companies (collectively the Tennessee Rural Coalition ("Coalition" or

“RLECs”).¹ On January 12, 2006, the Panel issued an *Order of Arbitration Award* memorializing its decisions on the numerous issues that were raised during the arbitration.² The only issue left to be resolved was Issue 8, which involved the pricing methodology to be used to set a final reciprocal compensation rate for the transport and termination of non-access telecommunications traffic exchanged between the parties. Thereafter, while engaging in negotiations on Issue 8, the parties filed no requests or additional evidence of economic costs to move the Authority to set a final rate. Thus, the docket file appeared dormant for a time.

On June 14, 2012, the Hearing Officer assigned to this matter issued a *Notice of Filing Comments* requesting that the parties file comments identifying the outstanding issues, addressing the impact of the Federal Communications Commission’s *USF/ICC Transformation Order* on those issues, if any, and recommending a process to bring the docket to conclusion. The *Hearing Officer’s Report and Recommendation* was issued on March 27, 2013 and was approved and adopted by the Panel on May 20, 2013.³ The Authority issued its *Final Order of Arbitration Award* on February 13, 2014, which resolved Issue 8 and set a rate for indirect or direct traffic exchanged during the period of October 2004 to June 30, 2012.⁴

¹ The Tennessee Rural Coalition consists of a group of rural and small local exchange companies as follows: 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.

² See *Order of Arbitration Award* (January 12, 2006) (memorializing decisions rendered by the TRA Arbitration Panel during its regularly scheduled Authority Conference held on January 12, 2005).

³ See *Order Approving Hearing Officer’s Report and Recommendation* (May 20, 2013).

⁴ The complete background and travel of this docket is provided in detail in the *Final Order of Arbitration Award*.

On February 27, 2014, AT&T Mobility filed a *Motion for Clarification* requesting that the Authority clarify its *Final Order of Arbitration Award* issued in this docket.⁵ The Panel convened on March 18, 2014 to consider the *Motion for Clarification* and voted unanimously that AT&T Mobility's motion be accepted for reconsideration based on the procedure set forth in Tenn. Code Ann. § 4-5-317 and to address the merits of the reconsideration at a future conference. On July 22, 2014, the Panel voted unanimously that the final award be clarified to require AT&T and the RLECS to file an interconnection agreement within 30 days. The Panel ordered that the interconnection agreement should incorporate all previous awards made in this docket, including the award of final compensation rates memorialized in the Authority's order issued February 13, 2014. The Panel also clarified that the final compensation awards in this docket apply only to the traffic prior to July 1, 2012 to true-up the interim compensation rate.

On July 29, 2014, the parties submitted a letter stating they had not been able to reach an agreement on one provision of the interconnection agreement regarding the true-up of the interim rate. The parties asked the Authority to resolve this dispute prior to the parties submitting an interconnection agreement. The parties submitted briefs on the dispute on July 29, 2014 and filed reply briefs on August 5, 2014. The Authority scheduled oral arguments to be heard at the October 10, 2014 Authority Conference. On October 2, 2014, the parties filed a *Joint Motion to Continue* requesting that the docket be taken off the agenda for the October 10, 2014 Authority Conference and that it be continued indefinitely because the parties had reached an agreement.

On October 21, 2014, the parties filed a *Joint Motion to Dismiss Docket* stating the parties had fully resolved the remaining issues and requesting that the Authority dismiss the docket with prejudice. In support of the motion, the parties stated they have filed

⁵ Although styled as a "Motion for Clarification," AT&T Mobility cited Tenn. Code Ann. § 4-5-317, which applies to petitions for reconsideration. Therefore, the Authority has deemed the *Motion for Clarification* as a request for reconsideration.

interconnection agreements in separate docket files and asserted that there are no further proceedings to be conducted in this docket. The Panel considered the *Joint Motion to Dismiss Docket* at the regularly scheduled Authority Conference held on November 4, 2014.

Based on the settlement of the disputes and the filing of interconnection agreements by the parties, the Panel found that there are no issues remaining for the Panel to consider in this matter. Thereafter, the Panel voted unanimously to approve the *Joint Motion to Dismiss Docket*, dismiss the docket with prejudice and directed the docket manager to close this docket.

IT IS THEREFORE ORDERED THAT:

1. The *Joint Motion to Dismiss Docket* filed on October 21, 2014 is granted, and the docket is dismissed with prejudice.
2. The docket manager is directed to close this docket.

Vice Chairman David F. Jones, Director Kenneth C. Hill, and Director James M. Allison concur.

ATTEST:


Earl R. Taylor, Executive Director