

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

January 21, 2010

IN RE:)	
)	
PETITION OF XO TENNESSEE, INC. FOR)	DOCKET NO.
ARBITRATION WITH BELL SOUTH)	03-00630
TELECOMMUNICATIONS, INC.)	
)	
PETITION FOR ARBITRATION OF THE)	
INTERCONNECTION AGREEMENT BETWEEN)	DOCKET NO.
BELL SOUTH AND XO TENNESSEE, INC.)	03-00631

ORDER DISMISSING ARBITRATION

On December 11, 2003, the Tennessee Regulatory Authority (“TRA” or “Authority”) opened the instant dockets upon the filing by XO Tennessee, Inc. (“XO”) and BellSouth Telecommunications, Inc. (“BellSouth”) of Petitions for Arbitration that requested the TRA arbitrate unresolved interconnection issues between XO and BellSouth. On January 7, 2004, XO filed a *Motion for Consolidation*, and on January 13, 2004, BellSouth filed a response stating that it did not object to the request for consolidation. During the January 26, 2004 Authority Conference, the dockets were consolidated and accepted for arbitration, and a Pre-Arbitration Officer was appointed.¹

On August 26, 2009, Henry Walker, counsel for XO, filed a letter stating that the issues raised in these proceedings have been resolved and requesting that the Petitions for Arbitration be withdrawn and the dockets closed. The letter further stated that Guy Hicks, counsel for BellSouth, had approved the submission of the letter. As such, this Pre-Arbitration Officer finds

¹ *Order Accepting Arbitration, Appointing Arbitrators and Appointing Pre-Arbitration Officer* (March 16, 2004). (Docket No. 03-00631 was closed following issuance of the Order).

that all of the issues in this arbitration proceeding have been resolved, and no further action by the Authority is needed in connection with these dockets.

IT IS THEREFORE ORDERED THAT:

1. No further action being required in these dockets, the *Petition of XO Tennessee, Inc. for Arbitration with BellSouth Telecommunications, Inc.*, filed in Docket No. 03-00360, and the *Petition of BellSouth Telecommunications, Inc. for Section 252(b) Arbitration*, filed in Docket No. 03-00631, are hereby dismissed.
2. Docket No. 03-00630 shall be closed by the Tennessee Regulatory Authority.

A handwritten signature in black ink, appearing to read "Gary Hotvedt", written over a horizontal line.

Gary Hotvedt, Pre-Arbitration Officer