

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**May 6, 2004**

**IN RE:**

**AMENDMENT TO THE INTERCONNECTION  
AGREEMENT NEGOTIATED BETWEEN  
CITIZENS TELECOMMUNICATIONS  
COMPANY OF TENNESSEE, LLC D/B/A  
FRONTIER COMMUNICATIONS OF  
TENNESSEE, LLC AND BELL SOUTH  
PERSONAL COMMUNICATIONS, LLC  
D/B/A CINGULAR WIRELESS**

**DOCKET NO.  
04-00038**

---

**ORDER APPROVING SECOND AMENDMENT  
TO THE INTERCONNECTION AND TRAFFIC INTERCHANGE AGREEMENT**

---

This matter came before Chairman Deborah Taylor Tate, Director Pat Miller 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 April 12, 2004, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the second amendment to the interconnection and traffic interchange agreement for the provision of cellular and other 2-way mobile radio services negotiated between Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee, LLC and BellSouth Personal Communications, LLC d/b/a Cingular Wireless.

The original interconnection and traffic interchange agreement between these parties was filed on December 20, 2002, and was assigned Docket No. 02-01317. It was approved at a regularly scheduled Authority Conference on February 18, 2003. The first amendment was filed on September 10, 2003, under Docket No. 03-00513 and was approved at a regularly scheduled

Authority Conference on October 21, 2003. The second amendment, which is the subject of this docket, was filed on February 5, 2004

Based upon a review of the second amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the service area of Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee, LLC.

3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U S C. §§ 251 or 252(d).<sup>1</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) No person or entity has sought to intervene in this docket.


6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann § 65-4-104.

---

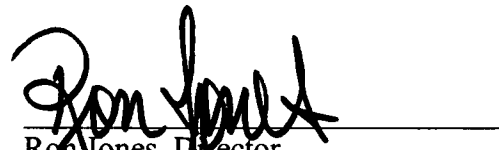
<sup>1</sup> See 47 U S C § 252(e)(2)(B)

**IT IS THEREFORE ORDERED THAT:**

The Petition is granted, and the second amendment to the interconnection and traffic interchange agreement for the provision of cellular and other 2-way mobile radio services negotiated between Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee, LLC and BellSouth Personal Communications, LLC d/b/a Cingular Wireless is approved and is subject to the review of the Authority as provided herein.

  
Deborah Taylor Tate, Chairman

  
Pat Miller, Director

  
Ron Jones, Director