

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**January 18, 2007**

**IN RE:**

**PETITION FOR ENFORCEMENT OF INTERCONNECTION  
AGREEMENT BETWEEN BELL SOUTH  
TELECOMMUNICATIONS, INC. AND  
NUVOX COMMUNICATIONS, INC.**

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**DOCKET NO.  
04-00133**

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**ORDER GRANTING JOINT MOTION TO DISMISS WITH PREJUDICE AND  
CLOSING DOCKET**

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This matter came before the Hearing Officer upon the *Joint Motion to Dismiss Complaint* (“*Joint Motion*”) filed by BellSouth Telecommunications, Inc. (“BellSouth”) and NuVox Communications, Inc. (“NuVox”) (together the “Parties”).

On May 4, 2004, BellSouth filed a *Complaint of BellSouth Telecommunications, Inc. to Enforce Interconnection Agreement and Request for Expedited Proceedings* (“*Complaint*”) which seeks to enforce the enhanced extended loops (“EELs”) audit procedures contained in its Interconnection Agreement with NuVox. In the *Joint Motion* filed with the Tennessee Regulatory Authority (“Authority”) on January 12, 2007, the Parties state that the dispute before the Authority in this matter is moot and should be dismissed with prejudice.

According to the Parties, on December 29, 2006, the Federal Communications Commission (“FCC”) approved the merger of BellSouth Corporation and AT&T, Inc., subject to certain voluntary commitments of AT&T. One of the commitments concerns EELs audits and states:

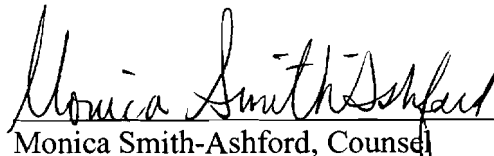
AT&T/BellSouth shall cease all ongoing or threatened audits of compliance with the [FCC]'s EEL eligibility criteria (as set forth in the *Supplemental Order Clarification's* significant local use requirement and related safe harbors, and the *Triennial Review Order's* high capacity EEL eligibility criteria), and shall not initiate any new EELs audits.

The Parties assert that pursuant to the FCC's announced adoption of a Memorandum Opinion and Order approving the merger, BellSouth became obligated to cease all "ongoing or threatened" EEL audits as of December 29, 2006. Therefore, BellSouth and NuVox agree that the dispute before the Authority in this docket is moot and request that BellSouth's *Complaint* be dismissed with prejudice.

The Hearing Officer finds that the Parties' *Joint Motion* is well-taken and should be granted.

**IT IS THEREFORE ORDERED THAT:**

1. The *Joint Motion to Dismiss Complaint* filed by BellSouth Telecommunications, Inc. and NuVox Communications, Inc. is granted.
2. The *Complaint of BellSouth Telecommunications, Inc. to Enforce Interconnection Agreement and Request for Expedited Proceedings* is dismissed with prejudice.
3. This docket shall be closed by the Tennessee Regulatory Authority

  
Monica Smith-Ashford, Counsel  
as Hearing Officer