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October 29, 2007

Chairman Eddie Roberson  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

**VIA ELECTRONIC DELIVERY**

**Re: Rulemaking for the Purpose of Addressing the Provisions of Public  
Chapter 545 Regarding Tariffs of Incumbent Local Exchange  
Telephone Companies—Docket No. 04-00284.**

Dear Chairman Roberson:

Due to legislative enactments further deregulating incumbent local exchange carriers ("ILECs") since opening the referenced docket on January 24, 2006, Time Warner Telecom of the Mid-South, LLC ("TWTC"), by and through undersigned counsel, submits the following:

1. In order to ensure the competitive balance between competitive local exchange carriers ("CLECs") and ILECs, the Tennessee Regulatory Authority ("Authority") should look to shepherd and implement rules, policies, and procedures reducing regulatory burdens on CLECs, not the contrary; and
2. Other states have either deregulated or eliminated the need for CLECs to file tariffs. North Carolina no longer requires CLECs to file a tariff. Similarly, Florida only requires CLECs to file price lists, not a tariff.

In light of the foregoing, TWTC respectfully requests that the Authority look anew at its comments previously filed on April 4, 2006. TWTC's original comments are attached hereto as **Exhibit 1**.

Chairman Eddie Roberson  
Docket No. 04-00284  
October 29, 2007  
Page 2 of 2

Very truly yours,

FARRIS MATHEWS BRANAN  
BOBNGO HELLEN & DUNLAP, PLC

A handwritten signature in black ink that reads "Charles B. Welch, Jr." in a cursive style.

Charles B. Welch, Jr.

A handwritten signature in black ink, appearing to read "by C. Ridley", written in a cursive style.

Attachment

Cc: Carolyn M. Ridley

## **Exhibit 1**

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Reply to:  
Nashville Office

April 4, 2006

Chairman Ron Jones  
Attn: Ms. Sharla Dillon  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

RE: Notice of Rulemaking of General Public Utility Rules, Docket No. 04-00284

Dear Chairman Jones:

By way of this letter, submitted through its attorneys, Time Warner Telecom of the MidSouth, LLC ("TWTC") provides comments in the referenced docket and offers proposed revisions to the draft rules. In light of recent legislative actions by the Tennessee General Assembly, federal court decisions, and rules promulgated by the FCC which dilute or limit the regulatory jurisdiction of this Authority over regulated telecommunications services, TWTC has several suggestions related to the draft rules necessary to ensure that IXCs and CLECs are treated equitably as compared to incumbent local exchange carriers.

TWTC suggests that on page 1, under Rule 1220-4-1-04 (1), that a new section "(c)" be added that states as follows: "Competing local exchange carriers shall not be required to file tariffs; however, if they choose to file a tariff, any tariff filed by a competing local exchange carrier shall become effective upon filing."

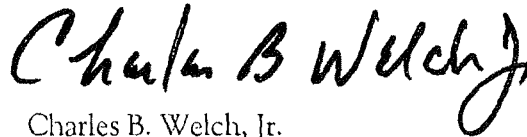
Additionally, in paragraph (4) of rule 1220-4-1-06 Changes in Tariff should be amended to read as follows:

*Subject to the provisions of Rule 1220.4-1-04(1) (c), all tariffs and supplements affecting Tennessee intrastate inter-exchange business except those tariffs filed pursuant to 1220-4-1-04(a) and 1220-4-1-(04) (b) shall be filed with the Tennessee Regulatory Authority at least thirty (30) days before the date upon which they are to become effective unless upon application and for good cause shown the Authority may waive the thirty (30) day time limit or any portion thereof.*

Consistent with the foregoing revisions, subparagraphs (b)(1), (b)(2), and (b)(3) of paragraph(3) of rule 1220-4-2-55 should each begin with the phrase "*Subject to the provisions of Rule 1220.4-1-04(1)(c).*" As a natural extension of this concept of a deregulated environment, Rule 1220-4-8-07 (2) (b), Tariff and Pricing Requirements for Competing Local Telecommunications Service Providers Local Service, including tariff price increase requirements, should not be applicable to CLECs, as market forces have developed to the extent to ensure just and reasonable prices in the most time efficient manner.

Very truly yours,

FARRIS MATHEWS BRANAN  
BOBANGO HELLEN & DUNLAP, PLC

A handwritten signature in black ink, reading "Charles B. Welch, Jr." in a cursive script.

Charles B. Welch, Jr.