

**BEFORE THE  
TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

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In re:

Petition to Establish a Generic Docket to  
Consider Amendments to Interconnection  
Agreements Resulting from Changes of Law

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) Docket No. 04-00381  
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**PETITION FOR RECONSIDERATION AND CLARIFICATION**

Pursuant to Tennessee Code Annotated Section 4-5-317(a) and Tennessee Regulatory Authority Rule 1220-1-2-.20(1), Competitive Carriers of the South, Inc. ("CompSouth") respectfully requests that the Tennessee Regulatory Authority ("Authority") reconsider and clarify one aspect of its June 6, 2006 Order in the above-captioned proceeding.<sup>1</sup> CompSouth respectfully requests that the Authority reconsider and clarify its findings with regard to Issue 28, so that it is clear that when the Authority uses the term "fiber loops" on pages 35 and 38 of its Order, it means only FTTH and FTTC loops, as defined by the Federal Communications Commission ("FCC").<sup>2</sup>

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<sup>1</sup> *Order Granting in Part and Denying in Part Motion for Summary Judgment and Denying Alternative Motion for Declaratory Ruling.*

<sup>2</sup> Fiber-to-the-home ("FTTH") and fiber-to-the-curb ("FTTC") loops are defined in FCC rule 51.319(a)(3)(i)(A) and (B), as follows:

(A) Fiber-to-the-home loops. A fiber-to-the-home loop is a local loop consisting entirely of fiber optic cable, whether dark or lit, serving an end user's customer premises or, in the case of predominantly residential multiple dwelling units (MDUs), a fiber optic cable, whether dark or lit, that extends to the multiunit premises' minimum point of entry (MPOE).

(B) Fiber-to-the-curb loops. A fiber-to-the-curb loop is a local loop consisting of fiber optic cable connecting to a copper distribution plant that is not more than 500 feet from the customer's premises or, in the case of predominantly residential MDUs, not more than 500 feet from the MDU's MPOE.

The requested clarification is consistent with the Authority's Deliberations and Conclusions regarding Issue 28 wherein the Authority addresses only BellSouth's obligations with respect to FTTH and FTTC loops in overbuild situations.<sup>3</sup> In deciding this issue, the Authority relied on and adopted an FCC statement contained in paragraph 273 of its *Triennial Review Order* ("TRO"): "Only in fiber loop overbuild situations where the incumbent LEC elects to retire existing copper loops must the incumbent LEC offer unbundled access to those fiber loops and in such cases the fiber loops must be unbundled for narrow band services only."<sup>4</sup> Review of the quoted language in context makes clear that the FCC's statement pertains only to specific class of fiber loops defined as FTTH loops (and FTTC loops, which were later deemed equivalent for purposes of unbundling relief).<sup>5</sup>

The requested clarification is necessary to avoid unintended consequences. CompSouth is fearful that, in the absence of the requested clarification, BellSouth could use the Authority's Order to claim an entitlement to more unbundling relief than the FCC granted. Clearly, BellSouth is not entitled to such relief. Moreover, CompSouth does not believe that it was the Authority's intent to require any less (or any more) unbundling than is required by the FCC. The requested clarification will ensure that the Authority's Order is consistent with the FCC's unbundling rules and the *TRO*.

For the foregoing reasons, CompSouth respectfully requests that the Authority reconsider

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The fiber optic cable in a fiber-to-the-curb loop must connect to a copper distribution plant at a serving area interface from which every other copper distribution subloop also is not more than 500 feet from the respective customer's premises.

<sup>3</sup> Order at 35.

<sup>4</sup> *Id.* at 35 and n.219 (citing *TRO*, ¶ 273).

<sup>5</sup> *TRO*, ¶¶273-284; 47 U.S.C. § 51.319(a)(3); see also *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket Nos. 01-338, 96-98, 98-147, Order on Reconsideration, 19 FCC Rcd 20293 (2004), ¶¶ 9, 10, 11, 13, 14 ("FTTC Order"); *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket Nos. 01-338, 96-98, 98-147, Order on Reconsideration, 19 FCC Rcd 15856 (2004), ¶¶ 4-9 ("MDU Order").

its Order and clarify that when it uses the term “fiber loops” on pages 35 and 38 of the Order, it means it means only FTTH and FTTC loops, as defined by the FCC.

Respectfully submitted this 20<sup>th</sup> day of June, 2006.



H. LaDon Baltimore  
FARRAR & BATES, L.L.P.  
211 Seventh Avenue North, Suite 420  
Nashville, TN 37219  
(615) 254-3060  
don.baltimore@farrar-bates.com

John J. Heitmann  
Garret R. Hargrave  
KELLEY DRYE & WARREN LLP  
1200 19th Street, NW  
Washington, DC 20036  
(202) 342-8400  
jheitmann@kelleydrye.com

*Counsel for CompSouth Members NuVox  
and Xspedius*

Henry Walker (No. 000272)  
BOULT, CUMMINGS, CONNERS &  
BERRY, PLC  
1600 Division Street, Suite 700  
P.O. Box 340025  
Nashville, Tennessee 37203  
(615) 252-2363

*Counsel for Competitive Carriers of the  
South, Inc.*

June 20, 2006

**Certificate of Service**

The undersigned hereby certifies that on this the 20<sup>th</sup> day of June, 2006, a true and correct copy of the foregoing has been forwarded electronic transmission to:

Guy Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce Street, Suite 2101  
Nashville, TN 37201  
Guy.Hicks@bellsouth.com with copy to: Carolyn.Hanesworth@bellsouth.com


and via U. S. Mail, first class postage prepaid

James L. Murphy III, Esq.  
Boult, Cummings, et al.  
1600 Division Street, Suite 700  
P. O. Box 340025  
Nashville, TN 37203

Edward Phillips, Esq.  
Sprint  
NCWKFRO313  
14111 Capital Blvd.  
Wake Forest, NC 27587

Chuck Welch, Esq.  
Farris, Mathews, Branan, Bobango, Hellen & Dunlap  
618 Church Street, Suite 300  
Nashville, TN 37219

Kristin U. Shulman  
Executive Director - Regulatory Affairs  
XO Tennessee  
810 Jorie Blvd., Suite 200  
Oak Brook, IL 60523

  
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H. LaDon Baltimore