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**BellSouth Telecommunications, Inc**  
333 Commerce Street  
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Nashville, TN 37201-3300

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April 28, 2005

**VIA HAND DELIVERY**

Hon. Pat Miller  
Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

Re: *Approval of the Amendment to the Resale Agreement Negotiated by BellSouth Telecommunications, Inc and Jerry La Quiere Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*  
Docket No 05-00123

Dear Chairman Miller:

Pursuant to Section 252(e) of the Telecommunications Act of 1996, Jerry La Quiere and BellSouth Telecommunications, Inc. are hereby submitting to the Tennessee Regulatory Authority the original and fourteen copies of the attached Petition for Approval of the Amendment to the Resale Agreement. The Amendment adds adoption language to the General Terms and Conditions of the Agreement.

Thank you for your attention to this matter.

Sincerely yours,

Guy M. Hicks

cc: Jerry La Quiere

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee

In re: *Approval of Amendment to the Resale Agreement Negotiated by BellSouth Telecommunications, Inc and Jerry La Quiere Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*

Docket No. \_\_\_\_\_

**PETITION FOR APPROVAL OF AMENDMENT TO**  
**THE RESALE AGREEMENT NEGOTIATED BETWEEN**  
**BELLSOUTH TELECOMMUNICATIONS, INC.**  
**AND JERRY LA QUIERE**  
**PURSUANT TO THE**  
**TELECOMMUNICATIONS ACT OF 1996**

COME NOW, Jerry La Quiere and BellSouth Telecommunications, Inc., ("BellSouth"), and file this request for approval of the Amendment to the Resale Agreement dated May 11, 2003 (the "Amendment") negotiated between the two companies pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, (the "Act") In support of their request, Jerry La Quiere and BellSouth state the following:

1. Jerry La Quiere and BellSouth have successfully negotiated an agreement providing for the resale of BellSouth's telecommunications services to Jerry La Quiere. The Resale Agreement was approved by the Tennessee Regulatory Authority ("TRA") on October 21, 2003.

2. The parties have recently negotiated an amendment to the Resale Agreement which adds adoption language to the Agreement. A copy of the Amendment is attached hereto and incorporated herein by reference.

3. Pursuant to Section 252(e) of the Telecommunications Act of 1996, Jerry La Quiere and BellSouth are submitting their Amendment to the TRA for its consideration and approval.

4. In accordance with Section 252(e) of the Act, the TRA is charged with approving or rejecting the negotiated Amendment between Jerry La Quiere and BellSouth within 90 days of its submission. The Act provides that the TRA may only reject such an agreement if it finds that the agreement or any portion of the agreement discriminates against a telecommunications carrier not a party to the agreement or the implementation of the agreement or any portion of the agreement is not consistent with the public interest, convenience and necessity.

5. Jerry La Quiere and BellSouth aver that the Amendment is consistent with the standards for approval.

Jerry La Quiere and BellSouth respectfully request that the TRA approve the Amendment negotiated between the parties.

This 28<sup>th</sup> day of April, 2005.

Respectfully submitted,

BELL SOUTH TELECOMMUNICATIONS, INC.


By: 

Guy M. Hicks  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
(615) 214-6301  
Attorney for BellSouth

**CERTIFICATE OF SERVICE**

I, Guy M. Hicks, hereby certify that I have served a copy of the foregoing Petition for Approval of the Amendment to the Resale Agreement on the following via United States Mail on the 28 day of April, 2005:

Jerry La Quiere  
14087 Old Hickory Blvd.  
Antioch, TN 37013

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by 'uy M. Hicks'.

\_\_\_\_\_  
Guy M. Hicks

**Amendment  
To The  
Resale Agreement Between  
BellSouth Telecommunications, Inc.  
Jerry La Quiere  
Dated May 11, 2003**

Pursuant to this Amendment, (the "Amendment"), Jerry La Quiere ("Jerry La Quiere"), and BellSouth Telecommunications, Inc ("BellSouth"), hereinafter referred to collectively as the "Parties," hereby agree to amend that certain Resale Agreement between the Parties dated May 11, 2003 ("Agreement") to be effective 30 (thirty) days after the date of the last signature executing the Amendment ("Effective Date")

WHEREAS, BellSouth and Jerry La Quiere entered into the Agreement on May 11, 2003, and,

WHEREAS, BellSouth and Jerry La Quiere are amending the Adoption of Agreements provision of the Agreement pursuant to the FCC's Second Report and Order, WC Docket No 01-338, issued on July 13, 2004,

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows

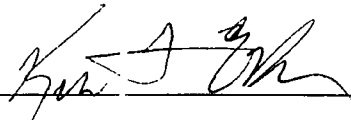
- 1 The Parties agree to delete Section 13 of the General Terms and Conditions and replace it with the following

13 Pursuant to 47 USC § 252(i) and 47 C F R § 51.809, BellSouth shall make available to Jerry La Quiere any entire resale agreement filed and approved pursuant to 47 USC § 252. The adopted agreement shall apply to the same states as the agreement that was adopted, and the term of the adopted agreement shall expire on the same date as set forth in the agreement that was adopted

- 2 All of the other provisions of the Resale Agreement, dated May 11, 2003, shall remain in full force and effect
- 3 Either or both of the Parties is authorized to submit this Amendment to each Public Service Commission for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996

IN WITNESS WHEREOF, the Parties have executed this Amendment the day and year written below

**BellSouth Telecommunications, Inc.**

By 

Name Kristen Rowe

Title Director

Date 3/9/05

**Jerry La Quiere**

By 

Name Jerry La Quiere

Title Owner

Date 2/24/05