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H. LaDon Baltimore
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T.R.A. DOCKET ROOM

January 6, 2006

Hon. Ron Jones, Chairman
Tennessee Regulatory Authority
ATTN: Sharla Dillon - Dockets
460 James Robertson Parkway
Nashville, TN 37238

Re: *Approval of the Wireless Interconnection Agreement Negotiated Between Ben Lomand Telephone Cooperative, Inc. and Nextel South Corporation Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996; Docket No. 05-00324*

Dear Chairman Jones:

This letter is to clarify the reasons for filing the above-referenced petition, to correct an error in the petition, and to respond to requests from the Authority. The original and 13 copies of this letter are enclosed for filing.

Ben Lomand Telephone Cooperative, Inc. ("Ben Lomand") is a telephone cooperative as defined in T.C.A. § 65-29-102. As such, Ben Lomand is not a public utility regulated by the Authority. T.C.A. § 65-4-101(6)(E) specifically excludes cooperative organizations, associations, or corporations from the definition of a "public utility" regulated by the Authority. T.C.A. § 65-29-130 limits Authority jurisdiction over telephone cooperatives to boundary disputes and sales and purchases of operating telephone properties. None of these issues is present in this matter.

By filing this petition, Ben Lomand seeks, out of an abundance of caution and reading of the federal law, Authority approval of the interconnection agreement only as required by federal law. Section 252(e)(1) of the Telecommunications Act of 1996 requires approval of interconnection agreements by the state commission (in Tennessee, the Authority). While the Authority does not have jurisdiction over Ben Lomand or wireless providers (T.C.A. § 65-4-101(6)(F)), it appears that federal law requires approval of negotiated interconnection agreements, even agreements between telephone cooperatives and wireless companies such as Nextel.

Hon. Ron Jones, Chairman
Tennessee Regulatory Authority
January 6, 2006
Page 2

Ben Lomand, by filing the petition in this docket, in no way waives its right to assert any defense available to it, including subject matter and personal jurisdiction in this docket or in any other docket.

In the event the Authority wishes to determine it lacks jurisdiction for approval of an interconnection agreement between two unregulated entities (in this docket, a telephone cooperative and a provider of commercial mobile radio services), then Ben Lomand respectfully requests the Authority to consider this letter as a statement that Ben Lomand will not oppose such determination and subsequent non-action on the petition.

Notwithstanding the foregoing, Ben Lomand also states as follows:

1. In paragraph 10 of the petition, the reference to "BellSouth" should be to "Ben Lomand." I apologize for this typographical error.
2. Paragraph 16.3 of the Interconnection Agreement has been renegotiated and is enclosed as replacement Attachment 2 to the petition.
3. Enclosed is a copy of Ben Lomand's Disaster Relief Plan which is to be attached to the petition as Attachment 3.

Do not hesitate to contact me if you have any questions or concerns.

Sincerely,



H. LaDon Baltimore

LDB/dcg
Enclosures
cc: Bob Edgerly, Nextel Communications

ATTACHMENT 2

Revised 16.3 with e-mail approval by Nextel South Corporation.

16.3 Formal Dispute Resolution. If informal negotiations fail to produce an agreeable resolution within ninety (90) days, then either Party may proceed with any remedy available to it pursuant to the Act, other laws, equity or agency mechanisms; provided, that upon voluntary mutual agreement of the Parties, such disputes may also be submitted to the Tennessee Regulatory Authority ("TRA")

Message

From: Sussman Don - Contractor [mailto:Don.Sussman@Nextel.com]
Sent: Friday, January 06, 2006 9:15 AM
To: gwoodlee@blomand.net
Subject: FW: Ben Lomand
Importance: High

Gail

Here are comments from our attorney

Don

-----Original Message-----

From: Chiarelli, Joe M [NTK]
Sent: Friday, January 06, 2006 10:04 AM
To: Sussman, Don - Contractor
Subject: FW: Ben Lomand
Importance: High

Don,

I am fine with the Formal Dispute Resolution language proposed below

-----Original Message-----

From: Sussman, Don - Contractor
Sent: Thursday, January 05, 2006 4:39 PM
To: Chiarelli, Joe M [NTK]
Cc: Felton, Mark G [NTK]
Subject: Ben Lomand
Importance: High

Joe

Joe

As we discussed, the TRA would like the language modified as follows. Thanks for looking at the attachment and the language below for Ben Lomand in TN

'Formal Dispute Resolution. If informal negotiations fail to produce an agreeable resolution within ninety (90) days, then either Party may proceed with any remedy available to it pursuant to the Act, other laws, equity or agency mechanisms, provided, that upon voluntary mutual agreement of the parties such disputes may also be submitted to the Tennessee Regulatory Authority (TRA).'

Don

1/6/2006

ATTACHMENT 3

Ben Lomand Telephone Disaster Recovery Plan

Ben Lomand Telephone Disaster Recovery Plan

TABLE OF CONTENTS

1.	PURPOSE	3
2.	SINGLE POINT OF CONTACT	3
3.	IDENTIFYING THE PROBLEM	3
4.	SITE CONTROL	4
5.	ENVIRONMENTAL CONCERNS	5
6.	EMERGENCY RESPONSE COORDINATION	5
7.	RECOVERY PROCEDURES	6

1. PURPOSE

- 1.1. In the unlikely event of a disaster occurring that affects Ben Lomand Telephone Cooperative's long-term ability to deliver traffic to a Competitive Local Exchange Carrier (CLEC) or Commercial Mobile Radio Service Provider (CMRSP);, general procedures have been developed to hasten the recovery process. Since each location is different and could be affected by an assortment of potential problems, a detailed recovery plan is impractical. However, in the process of reviewing recovery activities for specific locations, some basic procedures emerge that appear to be common in most cases.
- 1.2. These general procedures should apply to any disaster that affects the delivery of traffic for an extended time period. Each CLEC and CMRSP will be given the same consideration during an outage and service will be restored as quickly as possible.
- 1.3. This document will cover the basic recovery procedures that would apply to every CLEC and CMRSP.

2. SINGLE POINT OF CONTACT

- 2.1 When a problem is experienced, regardless of the severity, the Ben Lomand Telephone Cooperative's Network Operations Department will observe traffic anomalies and begin monitoring the situation. Controls will be appropriately applied to insure the stability of Ben Lomand Telephone Cooperative's network; and, in the event that a switch of facility node is lost, the Network Operations Department will attempt to circumvent the failure using available resources.
- 2.2 Ben Lomand Telephone Cooperative's Network Operations Department will remain in control of the restoration efforts until the problem has been identified as being a long-term outage. At that time, the Network Operations Department will contact Ben Lomand Telephone Cooperative's Emergency Response Team (ERT) and relinquish control of the recovery efforts. Even though the ERT may take charge of the situation, the Network Operations Department will continue to monitor the circumstances and restore traffic as soon as damaged network elements are revitalized.
- 2.3 The telephone number for the Ben Lomand Telephone Cooperative's Network Operations Department in McMinnville, TN is 931-668-1993.

3. IDENTIFYING THE PROBLEM

- 3.1 During the early stages of problem detection, the Network Operations Department will be able to tell which CLECs or CMRSPs are affected by the catastrophe. Further analysis and/or first hand observation will determine if the disaster has affected CLEC or CMRSP equipment only; Ben Lomand Telephone Cooperative's equipment only or a combination of both. The initial restoration activity will be largely determined by the equipment that is affected.
- 3.2 Once the nature of the disaster is determined and after verifying the cause of the problem, the Network Operation Department will initiate reroutes and/or transfers that are jointly agreed upon by the affected CLECs' or CMRSPs' Network

Management Center and the Ben Lomand Telephone Cooperative's Network Operations Department. The type and percentage of controls used will depend upon available network capacity. Controls necessary to stabilize the situation will be invoked and the Network Operations Department will attempt to reestablish as much traffic as possible

- 3.3 For long-term outages, recover efforts will be coordinated by the Emergency Response Team (ERT). Traffic controls will continue to be applied by the Network Operations Department until facilities are re-established. As equipment is made available for service, the ERT will instruct the Network Operations Department to begin removing the controls and allow the traffic to resume.

4. Site Control

- 4.1 In the total loss of building use scenario, what likely exists will be a smoking pile of rubble. This rubble will contain many components that could be dangerous. It could also contain remains of any personnel on the premises at the time of disaster. For these reasons, the local fire marshal with the assistance of the police will control the site until the building is no longer a threat to surrounding properties and the companies have secured the site from the general public.
- 4.2 During this time, Ben Lomand Telephone Cooperative ERT should be arranging for a demolition contractor to mobilize to the site with the primary objective of reaching the cable entrance facility for a damage assessment. The results of this assessment would then dictate immediate plans for restoration, both short term and permanent.
- 4.3 In a less catastrophic event, i.e., the building is still standing and the cable entrance facility is usable, the situation is more complex. The site will initially be controlled by local authorities until the threat to adjacent property had diminished. Once the site is returned to the control of the companies, the following events should occur.
- 4.4 An initial assessment of the main building infrastructure systems (mechanical, electrical, fire and life safety, elevators, and others) will establish building needs. Once these needs are determined, Ben Lomand Telephone Cooperative ERT should lead the building restoration efforts. There may be situations where the site will not be totally restored within the confines of the building. The companies must individually determine their needs and jointly assess the cost of permanent restoration to determine the overall plan of action.
- 4.5 Multiple restoration trailers from each company will result in the need for designated space and installation order. This layout and control is required to maximize the amount of restoration equipment that can be placed at the site, and the priority of placements.

Care must be taken in the planning to insure other restoration efforts have logistical access to the building. Major components of the telephone and building equipment will need to be removed and replaced. A priority for this equipment must also be jointly established to facilitate overall site restoration. (Example: If the AC switchgear has sustained damage, this would be of highest priority in order to regain power, lighting, and HVAC throughout the building.)

If the site will not accommodate the required restoration equipment, the companies would then need to quickly arrange with local authorities for street closure, rights of way or other possible options available.

5. ENVIRONMENTAL CONCERNS

In the worse case scenario, many environmental concerns must be addressed. Along with the police and fire marshal, the state environmental protection department will be on site to monitor the situation.

Items to be concerned with in a large central office building could include.

- 5.2.1.1 Emergency generator engine fuel supply. Damage to the standby equipment and the fuel handling equipment could have created “spill” conditions that have to be handled within state and federal regulations.
- 5.2.1.2 Asbestos containing materials that may be spread throughout the wreckage. Asbestos could be in many components of the building, electrical, mechanical, outside plant distribution, and telephone systems.
- 5.2.1.3 Lead and acid. These materials could be present in potentially large quantities depending upon the extent of damage to the power room.
- 5.2.1.4 Mercury and other regulated compounds resident in the telephone equipment
- 5.2.1.5 Other compounds produced by the fire or heat.
- 5.3 Once a total loss event occurs at a large site, local authorities will control immediate clean up (water placed on the wreckage by the fire department) and site access.
- 5.4 At some point, the companies will become involved with the local authorities in the overall planning associated with site clean up and restoration. Depending on the clean up approach taken, delays in the restoration of several hours to several days may occur.
- 5.5 In a less severe disaster, items listed above are more defined and can be addressed individually depending on the damage.
- 5.6 In each case, Ben Lomand Telephone Cooperative ERT should coordinate building and environmental restoration as well as maintain proper planning and site control.

6. EMERGENCY RESPONSE COORDINATION

- 6.1 When an emergency has been declared, the Emergency Response Team (ERT), a group of pre-selected experts, will convene to inventory the damage and initiate corrective actions. The ERT will have access to Ben Lomand Telephone Cooperative’s personnel and equipment and will assume control of the restoration activity anywhere in the Ben Lomand Telephone Cooperative service area.

In the past, the ERT has been involved in activities resulting from tornados, ice storms and floods. They have demonstrated their capabilities in directing recovery

operations during outages due to natural causes, human error or equipment failures, and have an excellent record of restoring service as quickly as possible.

- 6.2 During a major disaster, the ERT may move emergency equipment to the affected location, direct recovery efforts of local personnel and coordinate service restoration activities with the CLECs. They will attempt to restore service as quickly as possible using whatever means is available, leaving permanent solutions, such as the replacement of damaged buildings or equipment, for local personnel to administer.

Part of the ERT's responsibility, after temporary equipment is in place, is to support the Network Operations Department efforts to return service to the CLECs and CMRSPs. Once service has been restored, the ERT will return control of the network to normal operational organizations. Any long-term changes required after service is restored, will be made in an orderly fashion and will be conducted as normal activity.

7. RECOVERY PROCEDURES

The nature of the severity of any disaster will influence the recovery procedures. One crucial factor in determining how Ben Lomand Telephone Cooperative will proceed with restoration is whether or not the Ben Lomand Telephone Cooperative's equipment is incapacitated. Regardless of whose equipment is out of service, Ben Lomand Telephone Cooperative will move as quickly as possible to aid with service recovery; however, the approach that will be taken may differ depending upon the location of the problem.

CLEC OR CMRSP OUTAGE

- 7.2.1 For a problem limited to a CLEC or CMRSP (or a building with multiple CLECs or CMRSPs), Ben Lomand Telephone Cooperative has several options available for restoring service quickly. For those CLECs or CMRSPs that have agreements with other CLECs or CMRSPs, Ben Lomand Telephone Cooperative can immediately start directing Ben Lomand Telephone Cooperative-originating traffic to a provisional CLEC or CMRSP for completion. This alternative is dependent upon Ben Lomand Telephone Cooperative having concurrence from the affected CLECs or CMRSP.
- 7.2.2 Whether or not the affected CLECs or CMRSPs have requested a traffic transfer to another CLEC or CMRSP will not impact Ben Lomand Telephone Cooperative's resolve to re-establish traffic to the original destination as quickly as possible.

7.3 BEN LOMAND TELEPHONE COOPERATIVE OUTAGE

- 7.3.1 Because Ben Lomand Telephone Cooperative's equipment has varying degrees of impact on the service provided to the CLECs and CMRSPs, restoring service from damaged Ben Lomand Telephone Cooperative equipment is different. The outage will probably impact a number of Carriers simultaneously. However, the ERT will be able to initiate immediate actions to correct the problem.

- 7.3.2 A disaster involving any of Ben Lomand Telephone Cooperative's equipment locations could impact the CLECs or CMRSPs, some more than others. A disaster at a Central Office (CO) would only impact the delivery of traffic to and from that one location, but the incident could affect many Carriers. If the Central Office is a Serving Wire Center (SWC), then traffic from the entire area to those Carriers served from that switch would also be impacted. A disaster that destroys a facility hub could disrupt various traffic flows, even though the switching equipment may be unaffected.
- 7.3.3 The Network Operations Department would be the first group to observe a problem involving Ben Lomand Telephone Cooperative's equipment. Shortly after a disaster, the Network Operations Department will begin applying controls and finding re-routes for the completion of as much traffic as possible. These re-routes may involve delivering traffic to alternate Carriers upon receiving approval from the CLECs and CMRSPs involved. In some cases, changes in translation will be required. If the outage is caused by the destruction of equipment, then the ERT will assume control of the restoration.

7.3.4 **Loss of Central Office**

When Ben Lomand Telephone Cooperative loses a Central office, the ERT will:

- 7.3.4.1 Place specialists and emergency equipment on notice;
- 7.3.4.2 Inventory the damage to determine what equipment and/or functions are lost;
- 7.3.4.3 Move containerized emergency equipment and facility equipment to the stricken area, if necessary;
- 7.3.4.4 Begin reconnection service for Hospitals, Police and other emergency agencies; and
- 7.3.4.5 Begin restoring service to CLECs, CMRSPs and other customers

Loss of Central Office wither Serving Wire Center Functions

The loss of a Central office that also serves as a Serving Wire Center (SWC) will be restored as described in Section 7.3.4.

Loss of a Facility Hub

In the event that Ben Lomand Telephone Cooperative loses a facility hub, the recovery process is much the same as above. Once the Network Operations Department has observed the problem and administered the appropriate controls, the ERT will assume authority for the repairs. The recovery effort will include:

- 7.3.6.1 Placing specialists and emergency equipment on notice;
- 7.3.6.2 Inventorying the damage to determine what equipment and/or functions are lost;

- 7.3.6.3 Move containerized emergency equipment and facility equipment to the stricken area, if necessary
- 7.3.6.4 Begin reconnection service for Hospitals, Police and other emergency agencies; and
- 7.3.6.5 Begin restoring service to CLECs, CMRSPs and other customers

COMBINED OUTAGE (CLEC OR CMRSP AND BEN LOMAND TELEPHONE COOPERATIVE EQUIPMENT)

- 7.4.1 In some instances, a disaster may impact Ben Lomand Telephone Cooperative's equipment as well as a CLEC's or CMRSP's. This situation will be handled in much the same way as described in Section 7.3.6. Since Ben Lomand Telephone Cooperative and the CLEC or CMRSPs will be utilizing temporary equipment, close coordination will be required.