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September 15, 2006

HAND DELIVERY

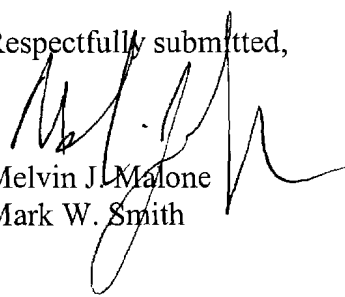
Honorable Sara Kyle, Chairman
c/o Sharla Dillon, Docket & Records Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

**RE: In Re: Generic Docket to Develop Policy for the Submission and
Review of CLEC-TO-CLEC Interconnection Agreements, TRA
Docket No. 05-00327**

Dear Chairman Kyle:

Please find enclosed an original and thirteen (13) copies of the *Comments of Electric Power Board of Chattanooga and Jackson Energy Authority* for filing in the above-captioned docket. An additional copy of this filing is enclosed to be "File Stamped" for our records. If you have any questions or require additional information, please let us know.

Respectfully submitted,


Melvin J. Malone
Mark W. Smith

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

September 15, 2006

IN RE:

GENERIC DOCKET TO DEVELOP)	
POLICY FOR THE SUBMISSION AND)	DOCKET NO. 05-00327
REVIEW OF CLEC-TO-CLEC)	
INTERCONNECTION AGREEMENTS)	
)	

**COMMENTS OF ELECTRIC POWER BOARD OF CHATTANOOGA
AND JACKSON ENERGY AUTHORITY**

The Electric Power Board of Chattanooga d/b/a EPB Telecom ("EPB Telecom") and Jackson Energy Authority ("JEA") submit these comments to the Tennessee Regulatory Authority ("Authority") in response to the Notice of Filing Comments dated August 24, 2006.

Both parties respectfully question the need for an established review procedure for interconnection agreements that do not involve incumbent local exchange carriers ("ILECs"). The reason for this is clear. ILECs and competitive carriers have fundamentally different obligations under Section 251 of the Federal Telecommunications Act of 1996 (the "Act") and, correspondingly, under state law.¹ While interconnection agreements involving incumbent local exchange carriers ("ILECs") must be filed under Section 252 of the Act, there is no corresponding obligation for filing interconnection agreements between two competitive

¹ Indeed, as the Authority acknowledged in its July 19, 2005 *Order Approving Interconnection Agreement* in Docket No. 04-128 (the "*Interconnection Order*"), any exercise of the Authority's jurisdiction over interconnection agreements under State law must be, among other things, "consistent with the requirements of [Section 251]." *Interconnection Order* at pp. 3-4 (discussing 47 U.S.C. § 251(d)(3)). The Authority could not, for example, use state law to alter the fundamental structure of Section 251 of the Act.

carriers.² Similarly, there is no State law obligation to file interconnection agreements.³ There is no need for the Authority to create such an obligation in this Docket.

In recognition of the fundamental differences between ILECs and competitive carriers under Sections 251 and 252 of the Act, and since there is no filing requirement under State law, EPB Telecom and JEA encourage the Authority to decline to establish a filing and review requirement for agreements between two competitive carriers. The Authority has not collected – or sought to collect – those agreements at any time since the passage and implementation of the Act, nor does it appear that there are legal requirements or compelling policy reasons to require competitive carriers to do so now. Should a dispute arise in the future between competitive carriers under an interconnection agreement, then the parties can seek appropriate relief from the Authority. In the meantime, EPB Telecom and JEA submit that a generic filing requirement for interconnection agreements is not necessary.

For the foregoing reasons, EPB Telecom and JEA respectfully request that the Authority decline to adopt any review and approval requirement for interconnection agreements between two competitive carriers.

² See 47 U.S.C. § 252(e) (providing for approval of negotiated interconnection agreements between ILECs and competitive carriers under 47 U.S.C. § 252(a) and providing for approval of approval of arbitrated interconnection agreements between ILECs and competitive carriers under 47 U.S.C. § 252(b)). The negotiation, arbitration and approval requirements under 47 U.S.C. § 252 do not extend to agreements between competitive carriers.

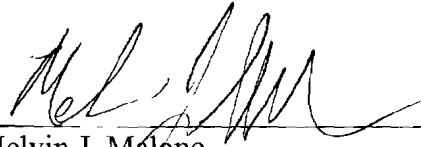
³ Indeed, with the benefit of hindsight, JEA submits that its Interconnection Agreement with Aeneas Communications, LLC (the “Aeneas ICA”) should not have included Section 32 (providing for filing the Aeneas ICA with the Authority). This provision originated in an ILEC interconnection agreement form, and JEA does not plan on including this provision in its future interconnection agreements with other competitive carriers.

Respectfully submitted,

by power of atty

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EPB Telecom and Jackson Energy Authority**