

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 20, 2010

IN RE:	)	
	)	
PETITION FOR ARBITRATION OF	)	DOCKET NO.
MOMENTUM TELECOM, INC. WITH	)	06-00030
BELLSOUTH TELECOMMUNICATIONS, INC.	)	

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ORDER ADMINISTRATIVELY CLOSING DOCKET

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On February 6, 2006, the Tennessee Regulatory Authority (“TRA” or “Authority”) opened the instant docket upon the filing by Momentum Telecom, Inc. (“Momentum”) of a *Petition for Arbitration of Momentum Telecom, Inc. with Bellsouth Telecommunications, Inc.* (“*Petition*”) that requested the TRA arbitrate unresolved interconnection issues between Momentum and BellSouth Telecommunications, Inc. (“BellSouth”) as well as the unresolved issues in the Authority’s “changes-of-law” proceeding in TRA Docket No. 04-00381,<sup>1</sup> which was pending at that time. On February 28, 2006, Momentum filed corrections to the Issues List it filed on February 6, 2006. BellSouth filed its response to Momentum’s *Petition* on March 3, 2006.

The parties filed a joint request on March 15, 2006 asking the Authority to hold these proceedings in abeyance for thirty days while the parties continued to negotiate and while they awaited the outcome of the “changes-of-law” proceeding. The TRA notified the parties by letter dated May 24, 2006 that the Authority had ruled on the issues in Docket No. 04-00381 and requested that the parties file a joint letter with the Authority no later than May 31, 2006 advising whether they were ready to proceed in this docket. On May 31, 2006, the parties filed a joint response requesting that the arbitration remain in abeyance pending either the issuance of a written order in Docket No.

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<sup>1</sup> See *In re: BellSouth’s Petition to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting from Changes of Law*, Docket No. 04-00381.

04-00381 or a request by one of the parties to proceed. A final order in Docket No. 04-00381 was issued on November 28, 2007,<sup>2</sup> and an order resolving the issues brought up for reconsideration was issued on June 10, 2008.<sup>3</sup>

Thereafter, the parties made no filings in this docket, and on July 11, 2008, the TRA sent a letter to the parties requesting that they file a status update in the docket by July 31, 2008. On July 31, 2008, the parties filed a joint request that this matter continue to be held in abeyance pending a request to proceed from either party. Because no additional filings had been made in the docket by the parties, the Authority sent a letter to the parties on April 13, 2009 requesting that they advise the TRA as to why the docket should not be closed for lack of action. On April 28, 2009, the parties again jointly requested that this matter continue to be held in abeyance pending a request to proceed from either party. The parties have made no filings in the docket since that time.

At the request of the parties, this matter has remained dormant before the Authority in anticipation of the conclusion of the parties' impending settlement negotiations for nearly four years. As demonstrated by the procedural history and perpetual requests for holding the matter in abeyance by the parties, the matters alleged in the docket either do not require or are not yet ripe for resolution by the Authority.

**IT IS THEREFORE ORDERED THAT:**

1. This docket is **ADMINISTRATIVELY CLOSED**.
2. In the event that the parties reach a settlement, the docket may be reopened upon the joint motion of the parties for the purpose of the Authority's consideration of the settlement agreement.

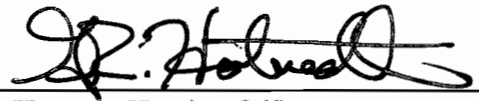
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<sup>2</sup> See *In re: BellSouth's Petition to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting from Changes of Law*, Docket No. 04-00381, Order (November 28, 2007).

<sup>3</sup> See *In re: BellSouth's Petition to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting from Changes of Law*, Docket No. 04-00381, Order Granting Reconsideration of Issue 28 on the Merits and Denying Reconsideration of Issue 14 on the Merits (June 10, 2008).

3. In the event that settlement negotiations ultimately fail, this Order shall not bar either party, once ready to proceed, from filing a new petition. The filing of such petition shall initiate a new docket.

4. Any party aggrieved by this Order may file a Petition for Reconsideration with the Tennessee Regulatory Authority pursuant to Tenn. Code Ann. § 4-5-317 within fifteen (15) days of the entry of this Order.

A handwritten signature in black ink, appearing to read "G. Hotvedt", written over a horizontal line.

Gary Hotvedt, Hearing Officer