

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

June 13, 2007

IN RE:

**PETITION FOR APPROVAL OF THE
AGREEMENT FOR TRANSPORT AND
TERMINATION OF TRAFFIC BETWEEN
BEN LOMAND TELEPHONE COOPERATIVE, INC.
AND NEW CINGULAR WIRELESS PSC, LLC**

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**DOCKET NO.
07-00099**

**ORDER APPROVING THE AGREEMENT FOR TRANSPORT
AND TERMINATION OF WIRELESS TRAFFIC**

This matter came before Director Eddie Roberson, Director Pat Miller and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on May 15, 2007 to consider, pursuant to Tenn. Code Ann. § 65-4-104 (2004) and 47 U.S.C. § 252(e), to the extent applicable, the Petition for approval of the agreement for transport and termination of wireless traffic negotiated between Ben Lomand Telephone Cooperative, Inc. ("Ben Lomand") and New Cingular Wireless PSC, LLC on behalf of itself and its affiliates, including Cincinnati SMSA Limited Partnership, ("AT&T Mobility") filed on April 23, 2007.

Based upon a review of the agreement, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

- 1) The parties to the agreement have requested Authority review and approval of the Petition.
- 2) The agreement is in the public interest as it provides consumers with alternative sources of telecommunications services within Ben Lomand's service area.

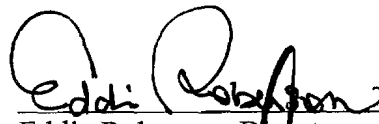
3) The agreement is not discriminatory to telecommunications service providers that are not parties thereto.

4) Section 252(e)(2)(A) of 47 U.S.C. provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).¹ Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the agreement is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) No person or entity has sought to intervene in this docket.

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the agreement for transport and termination of wireless traffic negotiated between Ben Lomand Telephone Cooperative, Inc. and New Cingular Wireless PSC, LLC on behalf of itself and its affiliates, including Cincinnati SMSA Limited Partnership, (“AT&T Mobility”) is approved and is subject to the review of the Authority as provided herein.


Eddie Roberson, Director


Pat Miller, Director


Ron Jones, Director

¹ See 47 U.S.C. § 252(e)(2)(B).