

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**November 1, 2007**

**IN RE:**

**PETITION FOR APPROVAL OF THE RIGHT-OF-WAY,  
CONDUITS AND POLE ATTACHMENTS AGREEMENT  
BETWEEN BELL SOUTH TELECOMMUNICATIONS, INC.  
AND TENNESSEE INDEPENDENT TELECOMMUNICATIONS  
GROUP, LLC d/b/a IRIS NETWORKS**

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**DOCKET NO.  
07-00133**

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**ORDER APPROVING THE RIGHT-OF-WAY, CONDUITS  
AND POLE ATTACHMENTS AGREEMENT**

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This matter came before Chairman Eddie Roberson, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on July 9, 2007 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the right-of-way, conduits and pole attachments agreement negotiated between BellSouth Telecommunications, Inc. ("BellSouth") and Tennessee Independent Telecommunications Group, LLC d/b/a IRIS Networks filed on May 18, 2007. BellSouth filed a supplement to the Petition on June 20, 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 Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104 (2004).
- 2) The agreement is in the public interest as it provides consumers with a means for alternative sources of telecommunications services within BellSouth's service area.

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

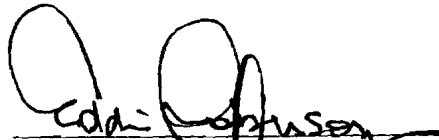
4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is consistent with the public interest, convenience or necessity.” Unlike negotiated agreements, a state commission may reject an arbitrated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. § 251.<sup>1</sup> The Authority finds that neither ground for rejection of a negotiated agreement exists.


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

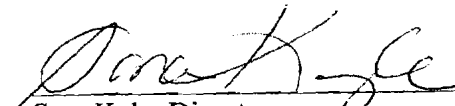
6) The agreement is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104 (2004).

**IT IS THEREFORE ORDERED THAT:**

The Petition is granted, and the right-of-way, conduits and pole attachments agreement negotiated between BellSouth Telecommunications, Inc. and Tennessee Independent Telecommunications Group, LLC d/b/a IRIS Networks is approved and is subject to the review of the Authority as provided herein.

  
Eddie Roberson, Chairman

  
Pat Miller, Director

  
Sara Kyle, Director

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<sup>1</sup> See 47 U.S.C. § 252(e)(2)(B).