

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**November 1, 2007**

**IN RE:** )  
)  
**PETITION FOR APPROVAL OF THE** )  
**INTERCONNECTION AGREEMENT BETWEEN** )  
**BELLSOUTH TELECOMMUNICATIONS, INC.** )  
**AND NETWORK TELEPHONE CORPORATION D/B/A** )  
**CAVALIER TELEPHONE D/B/A CAVALIER BUSINESS** )  
**COMMUNICATIONS D/B/A CAVALIER TELEPHONE** )  
**AND TV; NETWORK TELEPHONE CORPORATION** )  
**D/B/A CAVALIER BUSINESS COMMUNICATIONS; THE** )  
**OTHER PHONE COMPANY, INC. D/B/A CAVALIER** )  
**TELEPHONE D/B/A CAVALIER BUSINESS** )  
**COMMUNICATIONS; THE OTHER PHONE COMPANY,** )  
**INC. D/B/A ACCESS ONE COMMUNICATIONS; OTHER** )  
**PHONE COMPANY, INC. TALK AMERICA INC. D/B/A** )  
**CAVALIER TELEPHONE AND TALK AMERICA INC.** )  
**D/B/A CAVALIER TELEPHONE D/B/A CAVALIER** )  
**BUSINESS COMMUNICATIONS D/B/A CAVALIER** )  
**TELEPHONE AND TV** )

**DOCKET NO.**  
**07-00169**

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**ORDER APPROVING THE INTERCONNECTION 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 October 8, 2007 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the interconnection agreement negotiated between BellSouth Telecommunications, Inc. ("BellSouth") and Network Telephone Corporation d/b/a Cavalier Telephone d/b/a Cavalier Business Communications d/b/a Cavalier Telephone and TV; Network Telephone Corporation d/b/a Cavalier Business Communications; The Other Phone Company, Inc. d/b/a Cavalier Telephone d/b/a Cavalier Business

Communications; The Other Phone Company, Inc. d/b/a Access One Communications; Other Phone Company, Inc. Talk America Inc. d/b/a Cavalier Telephone and Talk America Inc. d/b/a Cavalier Telephone d/b/a Cavalier Business Communications d/b/a Cavalier Telephone and TV filed on July 10, 2007. On September 21, 2007, BellSouth filed a letter of clarification regarding the entities to which the interconnection agreement applies within the State of Tennessee. Those entities are: Network Telephone Corporation d/b/a Cavalier Business Communications; The Other Phone Company, Inc. d/b/a Access One Communications; and Talk America Inc. d/b/a Cavalier Telephone (collectively “Talk America”).

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 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 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).<sup>1</sup> Thus, although the Authority finds that neither ground for rejection

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

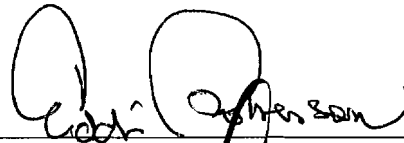
of a negotiated agreement exists, this finding should not be construed to mean that the agreement is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

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

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 interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Network Telephone Corporation d/b/a Cavalier Business Communications; The Other Phone Company, Inc. d/b/a Access One Communications; and Talk America Inc. d/b/a Cavalier Telephone is subject to the review of the Authority as provided herein.

  
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Eddie Roberson, Chairman  
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Pat Miller, Director  
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Sara Kyle, Director