

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 1, 2007

IN RE:)	
)	
PETITION FOR APPROVAL OF THE LOCAL)	DOCKET NO.
TRAFFIC EXCHANGE AGREEMENT BETWEEN)	07-00209
DEKALB TELEPHONE COOPERATIVE, INC.)	
D/B/A DTC COMMUNICATIONS AND CHARTER)	
FIBERLINK-TENNESSEE, LLC)	

ORDER APPROVING THE LOCAL TRAFFIC EXCHANGE AGREEMENT

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 Tenn. Code Ann. § 65-4-104 (2004) and 47 U.S.C. § 252(e), to the extent applicable, the Petition for approval of the local traffic exchange agreement negotiated between DeKalb Telephone Cooperative, Inc. d/b/a DTC Communications ("DeKalb Telephone") and Charter Fiberlink-Tennessee, LLC filed on September 7, 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 DeKalb Telephone'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 local traffic exchange agreement negotiated between DeKalb Telephone Cooperative, Inc. d/b/a DTC Communications and Charter Fiberlink-Tennessee, LLC is approved and is subject to the review of the Authority as provided herein.


Eddie Roberson, Chairman


Pat Miller, Director


Sara Kyle, Director

¹ See 47 U.S.C. § 252(e)(2)(B).