

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 11, 2008

IN RE:)	
)	
AT&T TENNESSEE'S PETITION FOR AN)	DOCKET NO.
ORDER TO ELIMINATE STATE)	07-00217
INTRALATA TOLL EQUAL ACCESS)	
SCRIPTING REQUIREMENTS,)	
CONSISTENT WITH FCC ORDER ON)	
INTERSTATE REQUIREMENTS)	

ORDER ELIMINATING EQUAL ACCESS SCRIPTING REQUIREMENTS

This matter came before Director Pat Miller, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on October 22, 2007 for consideration of *AT&T Tennessee's Petition for an Order to Eliminate State IntraLATA Toll Equal Access Scripting Requirements, Consistent with FCC Order on Interstate Requirements* ("Petition") filed on September 19, 2007 by AT&T Tennessee, Inc. ("AT&T" or the "Company").

BACKGROUND

On August 8, 1997, BellSouth Telecommunications, Inc. ("BellSouth") filed for approval of an intraLATA toll dialing parity implementation plan with the Tennessee Regulatory Authority ("Authority") in Docket No. 97-01399.¹ The following parties intervened in that docket: AT&T Communications of the South Central States, Inc., MCI Telecommunications

¹ In re: *Petition of BellSouth Telecommunications, Inc. for Approval of an IntraLATA Toll Dialing Parity Implementation Plan*, Docket No. 97-01399, *Order Approving BellSouth Telecommunications, Inc. Second Revised IntraLATA Toll Dialing Parity Plan*, pp. 1-2 (June 22, 1999).

Corporation, Telecommunications Resellers Association, Sprint, NEXTLINK Tennessee, Time Warner Communications of the Mid-South L.P., and the Consumer Advocate Division of the Office of the Attorney General.

The Authority's action in Docket No. 97-01399 was greatly impacted by the January 25, 1999 decision of the United States Supreme Court in *AT&T Corp. v. Iowa Utilities Board*.² In that decision, the Supreme Court found that the Federal Communications Commission ("FCC") had the authority to promulgate rules governing intrastate matters implementing the Telecommunications Act of 1996 and upheld FCC rules including requirements for ordering state-wide implementation of intraLATA toll dialing parity plans.³ Ultimately, BellSouth's proposed intraLATA toll dialing parity plan, as set forth in BellSouth's Second Revised Plan, was unanimously approved by the Authority on February 8, 1999.⁴

THE PETITION

According to the *Petition*, the Second Revised Plan includes scripting requirements that mirror the federal Equal Access Scripting Requirement ("EA Scripting Requirement"). The Regional Bell Operating Companies had petitioned the FCC for forbearance from the continued application of the EA Scripting Requirement, and on August 31, 2007, the FCC released an order eliminating the federal EA Scripting Requirement. The Company states that the FCC concluded that the EA Scripting Requirement for interLATA long distance service is no longer justified in today's competitive environment.

In its *Petition*, AT&T requests that, for the reasons cited by the FCC in its August 31, 2007 order, the Authority eliminate the companion scripting requirement for intraLATA long

² See *AT&T Corp. v. Iowa Utilities Board*, 525 U.S. 366 (1999).

³ In re: *Petition of BellSouth Telecommunications, Inc. for Approval of an IntraLATA Toll Dialing Parity Implementation Plan*, Docket No. 97-01399, *Order Approving BellSouth Telecommunications, Inc. Second Revised IntraLATA Toll Dialing Parity Plan*, p. 3 (June 22, 1999).

⁴ *Id.* at 7.

distance service. The Company maintains that there is no logical basis for enforcing scripting requirements for intraLATA long distance service at the state level since the FCC has eliminated such a requirement for interLATA long distance service at the federal level.

FINDINGS AND CONCLUSIONS


At the regularly scheduled Authority Conference held on October 22, 2007, the voting panel assigned to this docket considered the relief requested in the *Petition*. Thereafter, based upon the evidentiary and administrative record as a whole and finding that there have been no objections made to the *Petition*, the panel voted unanimously to allow AT&T to eliminate the equal access scripting requirement from its toll dialing parity plan. The panel further voted to require AT&T to file a revised intraLATA toll dialing parity plan.

IT IS THEREFORE ORDERED THAT:

AT&T Tennessee's Petition for an Order to Eliminate State IntraLATA Toll Equal Access Scripting Requirements, Consistent with FCC Order on Interstate Requirements is hereby granted. AT&T Tennessee shall file a revised intraLATA toll dialing parity plan consistent with this decision.

* * *

Pat Miller, Director⁵



Sara Kyle, Director



Ron Jones, Director

⁵ Director Miller voted in agreement with the other directors but resigned his position as Director before the issuance of this order.