

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 22, 2008

IN RE:)	
)	
PETITION FOR APPROVAL OF THE PAGING)	DOCKET NO.
INTERCONNECTION AGREEMENT AND)	08-00019
AMENDMENT THERETO BETWEEN)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
AND RIVER CITY WIRELESS OF TENNESSEE, LLC)	

**ORDER APPROVING THE PAGING INTERCONNECTION AGREEMENT
AND AMENDMENT THERETO**

This matter came before Chairman Eddie Roberson, Director Tré Hargett 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 February 11, 2008 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the paging interconnection agreement and amendment thereto for the provision of commercial mobile radio services negotiated between BellSouth Telecommunications, Inc. ("BellSouth") and River City Wireless of Tennessee, LLC filed on January 31, 2008.

Based upon a review of the agreement and amendment thereto, 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 and amendment thereto are in the public interest as they provide consumers with alternative sources of telecommunications services within BellSouth's service area.

3) The agreement and amendment thereto are 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).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 and amendment thereto are 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 and amendment thereto are 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 paging interconnection agreement and amendment thereto for the provision of commercial mobile radio services negotiated between BellSouth Telecommunications, Inc. and River City Wireless of Tennessee, LLC are approved and are subject to the review of the Authority as provided herein.



Eddie Roberson, Chairman



Tré Hargett, Director



Sara Kyle, Director

¹ See 47 U.S.C. § 252(e)(2)(B).