

BRADLEY ARANT  
BOULT CUMMINGS  
LLP

February 2, 2009

J. Richard Collier, Esq.  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

*Via Email*

1600 Division Street  
Suite 700  
Nashville, Tennessee 37203

Re: *Petition for Regulatory Exemption Pursuant to T.C.A. § 65-5-108(b)  
to Increase Regulatory Parity and Modernization, Docket 08-00192*

Henry Walker

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Dear Mr. Collier:

Your procedural Order issued January 23, 2009, invites the parties to submit briefs on the issue of whether the TRA has jurisdiction to exempt AT&T from the provisions of T.C.A. § 65-37-103(f).

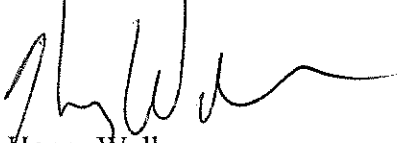
This issue was raised by CompSouth in its "Proposed Issues List" filed December 11, 2008. As explained there, the TRA has no apparent authority to exempt AT&T from the provisions of T.C.A. § 65-37-103(f) nor from any other statutes other than those found in Part 1 of Chapter 5 of Title 65. See T.C.A. § 65-5-108(b) authorizing the TRA to exempt carriers from the requirements of "this part." Your Order concludes (at 22) that since T.C.A. § 65-37-103(f) is not in the same part (nor even the same chapter) as T.C.A. § 65-5-108(b), AT&T's request for an exemption from T.C.A. § 65-37-103(f) "appears to be beyond the scope of relief afforded" in T.C.A. § 65-5-108(b).

Until AT&T files a response to that conclusion, CompSouth has nothing further to add to the Order. Therefore, CompSouth will not file a brief on this jurisdictional issue but may request permission to file a reply once AT&T has responded.

Sincerely,

BRADLEY ARANT BOULT CUMMINGS LLP

By:



Henry Walker

HW/cas

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cc: Paul F. Rice  
Guy Hicks  
Joelle Phillips  
Vance Broemel  
Charles B. Welch, Jr.