



Guy M. Hicks  
General Counsel

AT&T Tennessee  
333 Commerce Street  
Suite 2101  
Nashville, TN 37201-3300

T: 615.214.6301  
F: 615.214.7406  
guy.hicks@att.com

April 21, 2009

VIA HAND DELIVERY

filed electronically on 04/21/09

Hon. Eddie Roberson, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

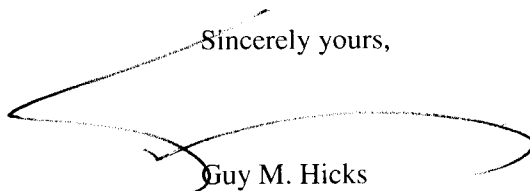
Re: *Approval of the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc. and Image Access, Inc. d/b/a NewPhone Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.*  
Docket No. \_\_\_\_\_

Dear Chairman Roberson:

Enclosed are four paper copies and one electronic copy of the executed Amendment to Interconnection Agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee and Image Access, Inc. d/b/a NewPhone dated April 19, 2006. This Amendment amends Section 2 to extend the original expiration date of the Agreement approved by the Tennessee Regulatory Authority ("TRA") in Docket No. 06-00117 for a period of three years from April 18, 2009 until April 18, 2012. The parties request approval of the Amendment by the TRA.

Thank you for your attention to this matter.

Sincerely yours,



Guy M. Hicks

cc: Gene Dry, Image Access, Inc. d/b/a NewPhone  
Paul F. Guarisco, Shirley, Ezell, Guarisco & Marionneaux, LLC

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee

In re: *Approval of the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc. and Image Access, Inc. d/b/a NewPhone Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*

Docket No. \_\_\_\_\_

**PETITION FOR APPROVAL OF THE AMENDMENT TO THE  
INTERCONNECTION AGREEMENT NEGOTIATED  
BETWEEN BELL SOUTH TELECOMMUNICATIONS, INC.  
AND IMAGE ACCESS, INC. D/B/A NEWPHONE  
PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996**

COME NOW, Image Access, Inc. d/b/a NewPhone ("Image Access") and BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee, ("AT&T"), and file this request for approval of the Amendment to the Interconnection Agreement dated effective April 19, 2006 (the "Amendment") negotiated between the two companies pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, (the "Act"). In support of their request, Image Access and AT&T state the following:

1. Image Access and AT&T have successfully negotiated an agreement for interconnection of their networks, the unbundling of specific network elements offered by AT&T and the resale of AT&T's telecommunications services to Image Access. The Interconnection Agreement was approved by the Tennessee Regulatory Authority ("TRA") on June 26, 2006.

2. The parties have recently negotiated an Amendment to the Agreement which amends Section 2 to extend the original expiration date of the Agreement for a period of three years from April 18, 2009 until April 18, 2012. A copy of the Amendment is attached hereto and incorporated herein by reference.

3. Pursuant to Section 252(e) of the Telecommunications Act of 1996, Image Access and AT&T are submitting their Amendment to the TRA for its consideration and approval. The Amendment provides that either or both of the parties are authorized to submit this Amendment to the TRA for approval.

4. In accordance with Section 252(e) of the Act, the TRA is charged with approving or rejecting the negotiated Amendment between AT&T and Image Access within 90 days of its submission. The Act provides that the TRA may only reject such an agreement if it finds that the agreement or any portion of the agreement discriminates against a telecommunications carrier not a party to the agreement or the implementation of the agreement or any portion of the agreement is not consistent with the public interest, convenience and necessity.

5. Image Access and AT&T aver that the Amendment is consistent with the standards for approval.

6. Pursuant to 47 USC Section 252(i) and 47 C.F.R. Section 51.809, AT&T shall make available the entire Interconnection Agreement approved pursuant to 47 USC Section 252.

Image Access and AT&T respectfully request that the TRA approve the Amendment negotiated between the parties.

This 21<sup>st</sup> day of April, 2009.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.  
D/B/A AT&T TENNESSEE

By: \_\_\_\_\_

Guy M. Hicks  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
(615) 214-6301  
Attorney for AT&T

#### CERTIFICATE OF SERVICE

I, Guy M. Hicks, hereby certify that I have served a copy of the foregoing Petition for Approval of the Amendment to the Interconnection Agreement on the following via United States Mail on the 21<sup>st</sup> day of April, 2009:

Gene Dry  
Image Access, Inc. d/b/a NewPhone  
3525 North Causeway Blvd., Suite 501  
Metairie, LA 70002

Paul F. Guarisco  
Shirley, Ezell, Guarisco & Marionneaux, LLC  
4609 Bluebonnet Blvd., Suite A  
Baton Rouge, LA 70809

\_\_\_\_\_  
Guy M. Hicks

**AMENDMENT TO  
INTERCONNECTION AGREEMENT UNDER SECTIONS 251 AND 252 OF THE TELECOMMUNICATIONS ACT  
OF 1996  
BETWEEN  
BELLSOUTH TELECOMMUNICATIONS, INC.  
d/b/a AT&T ALABAMA, AT&T FLORIDA, AT&T GEORGIA,  
AT&T KENTUCKY, AT&T LOUISIANA, AT&T MISSISSIPPI,  
AT&T NORTH CAROLINA, AT&T SOUTH CAROLINA AND  
AT&T TENNESSEE  
AND  
IMAGE ACCESS, INC. D/B/A NEWPHONE**

The Interconnection Agreement dated April 19, 2006 by and between BellSouth Telecommunications, Inc. d/b/a AT&T Alabama, AT&T Florida, AT&T Georgia, AT&T Kentucky, AT&T Louisiana, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina and AT&T Tennessee ("AT&T") and Image Access, Inc. dba NewPhone, and in Florida, Image Access, Inc. d/b/a NewPhone, Inc. ("Image Access") ("Agreement") effective in the state(s) of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee is hereby amended as follows:

1. The Parties agree that AT&T-9STATE shall be defined as the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.
2. Section 2.1 of the General Terms and Conditions is amended by adding the following section:
  - 2.1.1 Notwithstanding anything to the contrary in this section 2.1, the original expiration date of this Agreement, as modified by this Amendment, will be extended for a period of three (3) years from April 18, 2009 until April 18, 2012 (the "Extended Expiration Date"). The Agreement shall expire on the Extended Expiration Date; provided, however, that during the period from the effective date of this Amendment until the Extended Expiration Date, the Agreement may be terminated earlier either by written notice from Image Access, by AT&T pursuant to the Agreement's early termination provisions, or by mutual agreement of the parties.
3. The Parties acknowledge and agree that they will promptly amend the Agreement to reflect future changes of law as and when they may arise pursuant to the Agreement's change of law provision.
4. EXCEPT AS MODIFIED HEREIN, ALL OTHER TERMS AND CONDITIONS OF THE UNDERLYING AGREEMENT SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.
5. In entering into this Amendment neither Party waives, and each Party expressly reserves, any rights, remedies or arguments it may have at law or under the intervening law or regulatory change provisions in the underlying Agreement (including intervening law rights asserted by either Party via written notice predating this Amendment) with respect to any orders, decisions, legislation or proceedings and any remands thereof, which the Parties have not yet fully incorporated into this Agreement or which may be the subject of further review.
6. This Amendment shall be filed with and is subject to approval by the Commission(s) and shall become effective on the date of the last signature executing the Amendment.

Image Access, Inc. d/b/a NewPhone and in  
Florida, Image Access, Inc. d/b/a NewPhone,  
Inc.

By: 

Name: Gene Dry

(Print or Type)

Title: VP Regulatory

(Print or Type)

Date: 3/5/09

BellSouth Telecommunications, Inc. d/b/a  
AT&T Alabama, AT&T Florida, AT&T Georgia,  
AT&T Kentucky, AT&T Louisiana, AT&T  
Mississippi, AT&T North Carolina, AT&T South  
Carolina and AT&T Tennessee by AT&T Operations,  
Inc., its authorized agent

By: 

Name: Eddie A. Reed, Jr.

Title: Director - Interconnection Agreements

Date: 3.31.09

	<u>OCN #</u>	<u>ACNA</u>		<u>OCN #</u>	<u>ACNA</u>
ALABAMA	_____	_____	MISSISSIPPI	_____	_____
FLORIDA	_____	_____	NORTH CAROLINA	_____	_____
GEORGIA	_____	_____	SOUTH CAROLINA	_____	_____
KENTUCKY	_____	_____	TENNESSEE	_____	_____
LOUISIANA	_____	_____			