

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 28, 2009

IN RE:

**PETITION FOR APPROVAL OF THE INTERCONNECTION
AGREEMENT AND AMENDMENT THERETO BETWEEN
BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A AT&T
TENNESSEE AND KENTUCKY DATA LINK, INC.**

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**DOCKET NO.
09-00107**

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

This matter came before Director Mary W. Freeman, Director Eddie Roberson and Director Kenneth C. Hill of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on August 24, 2009 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the Interconnection Agreement and Amendment thereto negotiated between BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee ("AT&T") and Kentucky Data Link, Inc. filed on July 17, 2009.

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 AT&T's service area.
- 3) The agreement and amendment thereto are not discriminatory to telecommunications service providers that are not parties thereto.

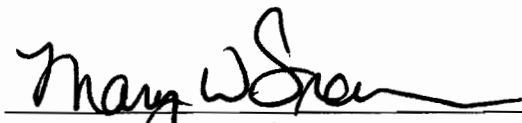
4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” 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.

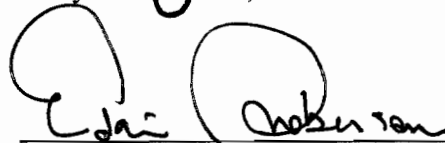
5) No person or entity has sought to intervene in this docket.

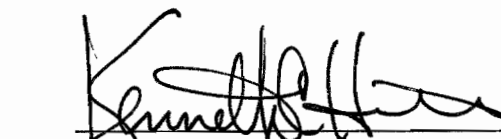
6) The agreement and amendment thereto are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104 (2004).

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the Interconnection Agreement and Amendment thereto negotiated between BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee and Kentucky Data Link, Inc. are approved and are subject to the review of the Authority as provided herein.


Mary W. Freedman, Director


Eddie Roberson, Director


Kenneth C. Hill, Director

¹ See 47 U.S.C. § 252(e)(2)(B).