

This matter came before Chairman Sara Kyle, 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 October 26, 2009 to consider, pursuant to Tenn. Code Ann. § 65-4-104 (2004) and 47 U.S.C. § 252(e), to the extent applicable, approval of the *Petition for Expedited Approval of the Memorandum of Understanding Regarding Operating Terms and Conditions Negotiated by Ben Lomand Rural Telephone Cooperative, Inc., Ben Lomand Communications, LLC, Volunteer First Services, LLC and Cricket Communications, Inc. a Delaware Corporation Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996* (“*Memorandum*”) for the provision of commercial mobile radio services. The *Memorandum* was negotiated between Ben Lomand Rural Telephone Cooperative, Inc. and its wholly owned affiliates, Ben Lomand Communications, LLC and Volunteer First Services, LLC (collectively “Ben Lomand”), and Cricket Communications, Inc. and was filed with the Authority on October 2, 2009. The *Memorandum* is an interim agreement entered into by the parties pending the negotiation and filing of a definitive interconnection and reciprocal compensation agreement.

Based upon a review of the *Memorandum*, 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 parties to the *Memorandum* have requested Authority review and approval of the Petition.

2) The *Memorandum* is in the public interest as it provides consumers with alternative sources of telecommunications services within Ben Lomand's service area.

3) The *Memorandum* is not discriminatory to telecommunications service providers that are not parties thereto.

4) Section 252(e)(2)(A) of 47 U.S.C. 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 is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

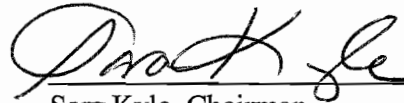
5) No person or entity has sought to intervene in this docket.

IT IS THEREFORE ORDERED THAT:

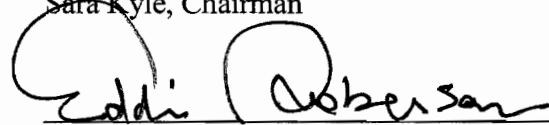
The *Petition for Expedited Approval of the Memorandum of Understanding Regarding Operating Terms and Conditions Negotiated by Ben Lomand Rural Telephone Cooperative, Inc., Ben Lomand Communications, LLC, Volunteer First Services, LLC and Cricket Communications, Inc. a Delaware Corporation Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996* for

¹ See 47 U.S.C. § 252(e)(2)(B).

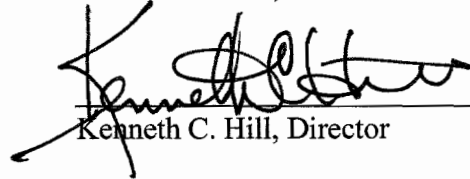
the provision of commercial mobile radio services negotiated between Ben Lomand Rural Telephone Cooperative, Inc. and its wholly owned affiliates, Ben Lomand Communications, LLC and Volunteer First Services, LLC, and Cricket Communications, Inc. is approved and is subject to the review of the Authority as provided herein.



Sara Kyle, Chairman



Eddie Roberson, Director



Kenneth C. Hill, Director