

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

July 22, 2010

IN RE:

**PETITION FOR APPROVAL OF THE INTERCONNECTION
AGREEMENT AND AMENDMENTS THERETO BETWEEN
BELLSOUTH D/B/A AT&T TENNESSEE AND COMTEL
TELCOM ASSETS LP D/B/A VARTEC TELECOM**

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**DOCKET NO.
10-00081**

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

This matter came before Chairman Sara Kyle, Director Kenneth C. Hill and Director Mary W. Freeman of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on June 21, 2010, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the Interconnection Agreement and Amendments thereto negotiated between BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee ("AT&T") and Comtel Telcom Assets LP d/b/a VarTec Telecom filed on April 28, 2010.

Based upon a review of the agreement and amendments 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) and over interconnections between telecommunications service providers under Tenn. Code Ann. § 65-4-124(a) and (b) (2004).
- 2) The agreement and amendments 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 amendments thereto are not discriminatory to telecommunications service providers that are not parties thereto.

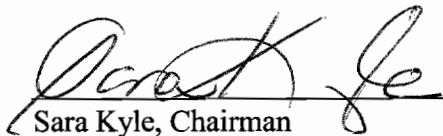
4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” 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 amendments thereto are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

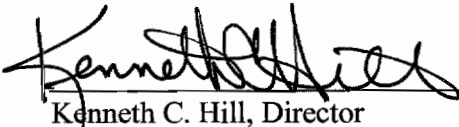
5) No person or entity has sought to intervene in this docket.

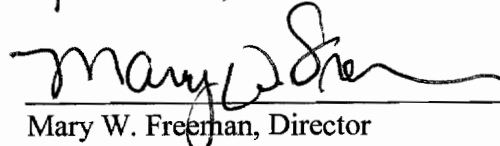
6) The agreement and amendments thereto are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. §§ 65-4-104 (2004) and 65-4-124(a) and (b) (2004), or in the alternative, under Tenn. Code Ann. § 65-5-109(m) (2009).

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the Interconnection Agreement and Amendments thereto negotiated between BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee and Comtel Telecom Assets LP d/b/a VarTec Telecom are approved and are subject to the review of the Authority as provided herein.


Sara Kyle, Chairman


Kenneth C. Hill, Director


Mary W. Freeman, Director

¹ See 47 U.S.C. § 252(e)(2)(B).