

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**June 17, 2011**

<b>IN RE:</b>	)	
	)	
<b>PETITION FOR APPROVAL OF THE MUTUAL</b>	)	<b>DOCKET NO.</b>
<b>TRAFFIC EXCHANGE AGREEMENT BETWEEN</b>	)	<b>11-00063</b>
<b>BEN LOMAND TELEPHONE COOPERATIVE, INC.</b>	)	
<b>AND AENEAS COMMUNICATIONS, LLC</b>	)	

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**ORDER APPROVING THE MUTUAL TRAFFIC EXCHANGE AGREEMENT**

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This matter came before Chairman Mary W. Freeman, Director Kenneth C. Hill and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on June 6, 2011 to consider, pursuant to Tenn. Code Ann. § 65-4-104 (2004) and 47 U.S.C. § 252(e), to the extent applicable, the Petition for approval of the Mutual Traffic Exchange Agreement negotiated between Ben Lomand Rural Telephone Cooperative, Inc. ("Ben Lomand") and Aeneas Communications, LLC filed on April 28, 2011.

Based upon a review of the agreement, 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) In accordance with Section 252(e)(1), the parties to the agreement have requested Authority review and approval of the Petition.
- 2) The agreement is in the public interest as it provides consumers with alternative sources of telecommunications services within Ben Lomand's service area.

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

4) 47 U.S.C. Section 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).<sup>1</sup> 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 is granted, and the Mutual Traffic Exchange Agreement negotiated between Ben Lomand Rural Telephone Cooperative, Inc. and Aeneas Communications, LLC is approved and is subject to the review of the Authority as provided herein.

  
Mary W. Freeman, Chairman

  
Kenneth C. Hill, Director

  
Sara Kyle, Director

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<sup>1</sup> See 47 U.S.C. § 252(e)(2)(B).