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VIA HAND DELIVERY

Hon. Eddie Roberson, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Docket for the Collection of Information and Comments Relating to the Use of Mediation or Settlement Discussions in Contested Cases*
Docket No. 11-00140

Dear Chairman Roberson:

Enclosed are the original and four copies of the *Comments* of AT&T Tennessee in the referenced matter.

Very truly yours,

Joelle Phillips

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BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *Docket for the Collection of Information and Comments Relating to the Use of Mediation or Settlement Discussions in Contested Cases*

Docket No. 11-00140

COMMENTS OF BELLSOUTH TELECOMMUNICATIONS LLC dba AT&T TENNESSEE

BellSouth Telecommunications LLC dba AT&T Tennessee ("AT&T") provides this written statement of comments to be included in the record of this docket. AT&T appreciates the opportunity to provide this input.

The workshop focused particularly on improving efficiency in rate cases. As the parties discussed, those cases have unique demands and are not analogous to other types of contested cases. AT&T is no longer subject to rate cases. AT&T, however, remains subject to certain other types of TRA cases, including contested cases.

The discussion during the workshop highlighted the fact that traditional rate cases can be complex and time consuming for reasons that are not typical in the context of telecom carrier-to-carrier disputes. While both types of cases can involve discovery disputes, these disputes in rate cases do not involve the competitive sensitivity that is often present when competing companies engage in discovery. The scope and breadth of evidence required in a rate case is very different than in carrier-to-carrier disputes, in which the issues are often much more narrow. For these reasons, the same procedures adopted to improve efficiency in rate cases may not be appropriate for carrier-to-carrier disputes in the telecom area.

Efficiency in contested cases generally could be improved by using "paper hearings" whenever possible (limiting the travel costs associated with in-person participation by witnesses). Special settings, such as the schedule utilized in the recent reseller dispute docket (No. 11-00109), are also helpful. These special settings in which effort is made to advance the case without undue delay can improve efficiency and be beneficial to parties. Specifically, delay in many cases does not impact parties in an equal fashion. Where disputes relate to unpaid, disputed amounts, the party that is owed money may find that those amounts grow or become more difficult to collect while the case is pending. Where a case cannot be reasonably expedited, the Authority should consider whether it is appropriate to require an escrow or bond arrangement.

The TRA might also consider routinely requiring the prevailing party to draft a proposed order. This practice in common in courts and can reduce the delay between the conclusion of a case and the issuance of an order. Alternatively, the TRA might consider the use of form orders to improve the speed with which orders are issued after a decision is made.

Many matters included on the TRA's regular conference agenda could be handled by a "consent agenda" or other notice mechanism, without requiring the use of time at an Authority conference. Matters including NANPA numbering appeals, approval of resale and interconnection agreements, election of market regulation, video franchising, and cancellation of certificates could be handled by posting notice on the TRA's website or other public document that these matters are deemed approved within a set number of days unless an objection is filed in that period. For example, the Agenda for today's Conference listed 13 separate dockets. At least nine, or nearly 70%, of those dockets are the type that could be

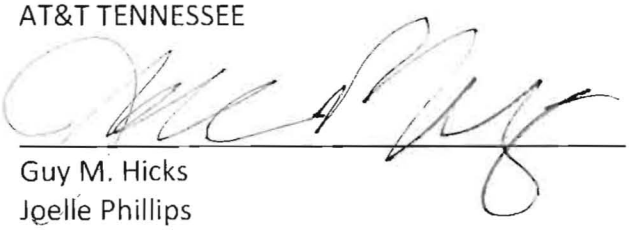
handled in this fashion. Even if the TRA continued to list these matters on conference agendas, the TRA could improve efficiency by handling all the matters together with one motion to approve all uncontested pending matters. By removing these matters from the TRA's conference agendas or consolidating the treatment of these matters into one motion, the TRA could potentially have shorter or fewer conferences.

AT&T believes that implementation of these types of resource-conserving steps is appropriate and will both allow the TRA to reserve time and resources for truly contested matters and also prepare the TRA for the potential of reduced inspection fees from telecommunications providers, which AT&T also believes to be appropriate in light of the TRA's reduced role in telecommunications regulation. As the discussion in the workshop emphasized, AT&T is no longer subject to rate cases, which are the type of cases that are most time and resource-intensive. AT&T and other telecom carriers that are not subject to such cases should not be required to shoulder the financial burden that these cases impose.

Finally, AT&T believes that the TRA should continue to look for instances in which its rules or procedures might be updated to reflect changes in the market and in state law. Rules or procedural requirements that are based in pre-competition era policies should be updated to better fit today's competitive environment, in which those policies are no longer applicable. One specific area in which this type of modernization would be appropriate is the concept of "carrier of last resort." Implicit in this policy is the idea that an end user has only one option for obtaining communications service, and this idea is inconsistent with the TRA's findings in dockets such as No. 10-00108, in which the TRA concluded that competition existed in each wire center in AT&T's most rural service territory.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, LLC dba AT&T TENNESSEE



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