

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**November 9, 2011**

**IN RE:**

**PETITION FOR APPROVAL OF THE  
INTERCONNECTION AGREEMENT BETWEEN  
BELLSOUTH D/B/A AT&T TENNESSEE AND  
BUSINESS TELECOM, INC.**

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**DOCKET NO.  
11-00175**

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**ORDER APPROVING THE INTERCONNECTION AGREEMENT**

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This matter came before the Tennessee Regulatory Authority (the "Authority") at a regularly scheduled Authority Conference held on November 7, 2011 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the Interconnection Agreement ("Agreement") negotiated between BellSouth Telecommunications, LLC d/b/a AT&T Tennessee ("AT&T") and Business Telecom, Inc.,<sup>1</sup> filed on October 14, 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) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104 (2004) and over interconnections between telecommunications service providers pursuant to Tenn. Code Ann. § 65-4-124(a) and (b) (2004).
- 2) The Agreement is in the public interest as it provides consumers within AT&T's service area with alternative sources of telecommunications services.
- 3) The Agreement does not discriminate against telecommunications service providers that are not parties thereto.

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<sup>1</sup> A name change to Business Telecom, Inc. d/b/a EarthLink Business III was approved by the Authority on September 26, 2011 in Docket No. 11-00151.

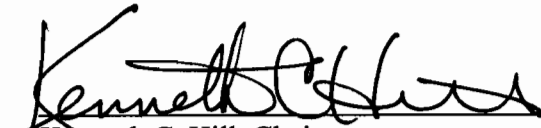
4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only upon finding that it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience 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>2</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this Order should not be construed as finding that the Agreement is consistent with § 251, § 252(d), or, for that matter, previous Authority decisions.


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

6) The Agreement is 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, pursuant to Tenn. Code Ann. § 65-5-109(m) (2009).

**IT IS THEREFORE ORDERED THAT:**

The Petition is granted, and the Interconnection Agreement negotiated between BellSouth Telecommunications, LLC d/b/a AT&T Tennessee and Business Telecom, Inc. is approved and is subject to review by the Authority as provided herein.

  
Kenneth C. Hill, Chairman

  
Sara Kyle, Director

  
Mary W. Freeman, Director

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