

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
DELTACOM, INC.**

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**DOCKET NO.
11-00176**

ORDER APPROVING THE INTERCONNECTION AGREEMENT

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 DeltaCom, Inc.,¹ 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.

¹ A name change to DeltaCom, Inc. d/b/a EarthLink Business was approved by the Authority on August 22, 2011 in Docket No. 11-00061.

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).² 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.

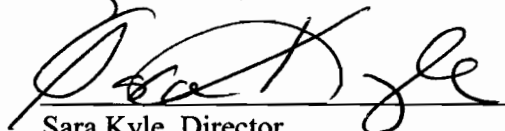
5) No person or entity has sought to intervene in this docket.

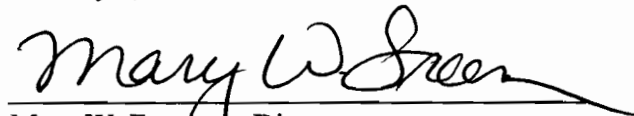
6) The Agreement is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. §§ 65-4-104 (2004) and 65-4-124(a) and (b) (2004) or, in the alternative, pursuant to Tenn. Code Ann. § 65-5-109(m) (2009).

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 DeltaCom, 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

² See 47 U.S.C. § 252(e)(2)(B).