

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

May 8, 2012

IN RE:

**PETITION FOR APPROVAL OF THE
INTERCONNECTION AGREEMENT BETWEEN
BELLSOUTH D/B/A AT&T TENNESSEE AND
DUKENET COMMUNICATIONS, LLC**

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**DOCKET NO.
12-00028**

ORDER APPROVING THE INTERCONNECTION AGREEMENT

This matter came before the Tennessee Regulatory Authority (the "Authority") at a regularly scheduled Authority Conference held on April 23, 2012 to consider, pursuant to 47 U.S.C. § 252, approval of the Interconnection Agreement (the "Agreement") negotiated between BellSouth Telecommunications, LLC d/b/a AT&T Tennessee ("AT&T") and DukeNet Communications, LLC filed on April 4, 2012.

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 approval of the Agreement 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.

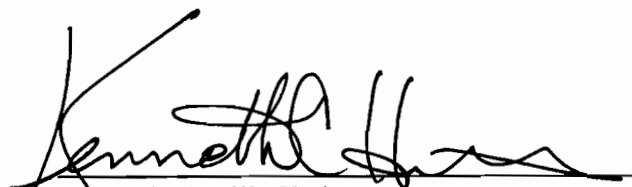
4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only upon finding that it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience 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).¹ 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.

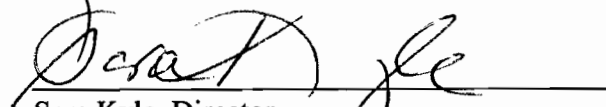
5) No person or entity has sought to intervene in this docket.

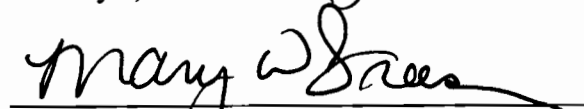
6) The Agreement is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. §§ 65-4-104 (2004) and 65-4-124(a) and (b) (2004) or, in the alternative, pursuant to Tenn. Code Ann. § 65-5-109(m) (2009).

IT IS THEREFORE ORDERED THAT:

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


Kenneth C. Hill, Chairman


Sara Kyle, Director


Mary W. Freeman, Director

¹ See 47 U.S.C. § 252(e)(2)(B).