

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 20, 2012

IN RE:)	
)	
PETITION FOR APPROVAL OF INTERCONNECTION)	DOCKET NO.
AGREEMENT BETWEEN HIGHLAND TELEPHONE)	12-00118
COOPERATIVE, INC. AND SPRINT SPECTRUM LP/)	
NEXTEL SOUTH CORP.)	

ORDER APPROVING THE TRAFFIC EXCHANGE AGREEMENT

This matter came before Director Kenneth C. Hill, Director Sara Kyle and Director David F. Jones of the Tennessee Regulatory Authority (the “Authority” or “TRA”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on November 8, 2012. Pursuant to Tenn. Code Ann. § 65-4-104 (2004) and 47 U.S.C. § 252(e), to the extent applicable, the panel considered the Petition for approval of the Traffic Exchange Agreement (the “Agreement”) negotiated between Highland Telephone Cooperative, Inc. (“Highland”) and Sprint Spectrum L.P. and Nextel South Corp. (individually and collectively doing business as Sprint PCS) filed on October 10, 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 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 Highland’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).¹ 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, § 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 Traffic Exchange Agreement negotiated between Highland Telephone Cooperative, Inc. and Sprint Spectrum L.P. and Nextel South Corp. (individually and collectively doing business as Sprint PCS) is approved.

Director Kenneth C. Hill, Director Sara Kyle and Director David F. Jones concur.

ATTEST:



Earl R. Taylor, Executive Director

¹ See 47 U.S.C. § 252(e)(2)(B).