

# TENNESSEE PUBLIC UTILITY COMMISSION

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**Docket No. 25-00046**, *In re Petition for Approval of the Amendment to the Mutual Traffic Exchange Agreement Between TDS Telecommunications, LLC ("TDS Telecom") and Level 3 Communications, LLC ("CLEC")*

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## NOTICE OF THE COMMISSION'S INABILITY TO ACT ON PETITION FOR APPROVAL OF AN AMENDMENT TO THE MUTUAL TRAFFIC EXCHANGE AGREEMENT

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On June 17, 2025, TDS Telecommunications, LLC ("TDS Telecom") and Level 3 Communications, LLC ("Level 3 CLEC") filed a petition with the Tennessee Public Utility Commission seeking approval of an Amendment to its Mutual Traffic Exchange Agreement negotiated under Sections 251 and 252 of the Telecommunications Act of 1996 (the "Act").<sup>1</sup> In the petition, TDS Telecom states that the amendment purports to add interconnected VoIP traffic to Section I, "Scope of Agreement," and introduce a new Section II A, "Indirect Interconnection," to the original agreement between the companies.

After a thorough search of the Commission's docket files, no evidence was found that an original interconnection agreement between TDS Telecom and Level 3 CLEC was ever filed with or approved by the Commission. Attempts were made to obtain the original agreement from TDS Telecom, but TDS has not responded to the Commission's requests. On August 27, 2025, the Commission notified TDS Telecom that it had no record of the original agreement and could not proceed with its review. The Commission asked TDS Telecom to either provide the agreement or withdraw its petition for approval of the Amendment by September 3, 2025. To date, the Commission has received no response from TDS Telecom.

Since TDS has not responded nor produced its original agreement, the Commission has no basis upon which to determine whether the amendment to its agreement has a discriminatory effect or is not consistent with the public interest. As such, it is not due to a lapse in diligence by the Commission that it can neither approve nor reject the amendment as required under the Act. Therefore, the Commission issues notice that, under these circumstances, it is simply not able to act on TDS Telecom's submission and, according to section 252(e)(5), defers to the Federal Communications Commission in this matter.

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<sup>1</sup> Under sections 252(e)(1), (2), and (4) of the Act, within 90 days of receipt, the Commission must determine whether a negotiated agreement/amendment discriminates against a telecommunications carrier that is not a party to the agreement or whether the implementation of the agreement is not consistent with the public interest, convenience, and necessity. Failure to either approve or reject the agreement within the deadline results in the agreement being deemed approved by operation of law.