

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

September 27, 1996

Nashville, Tennessee

**IN THE MATTER OF THE INTERCONNECTION AGREEMENT  
NEGOTIATION BETWEEN AT&T COMMUNICATIONS OF THE SOUTH  
CENTRAL STATES, INC. AND BELL SOUTH TELECOMMUNICATIONS, INC.  
PURSUANT TO 47 U.S.C. SECTION 252  
DOCKET NO. 96-01152**

**PETITION BY MCI FOR ARBITRATION OF CERTAIN TERMS AND  
CONDITIONS OF A PROPOSED AGREEMENT WITH BELL SOUTH  
TELECOMMUNICATIONS, INC. CONCERNING INTERCONNECTION AND  
RESALE UNDER THE TELECOMMUNICATIONS ACT OF 1996  
DOCKET NO. 96-01271**

**PETITION BY AMERICAN COMMUNICATIONS SERVICE, INC., AND  
CERTAIN OF ITS LOCAL EXCHANGE OPERATING SUBSIDIARY, FOR  
ARBITRATION WITH BELL SOUTH TELECOMMUNICATIONS, INC.  
PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996  
DOCKET NO. 96-01249**

**PETITION BY BROOKS FIBER FOR ARBITRATION WITH BELL SOUTH  
TELECOMMUNICATIONS, INC. PURSUANT TO THE  
TELECOMMUNICATIONS ACT OF 1996  
DOCKET NO. 96-01223**

**ORDER**

This matter came to be heard before the Directors of the Authority at a Conference Hearing in the hearing room at 460 James Robertson Parkway, Nashville, Tennessee on September 11, 1996.

The Tennessee Regulatory Authority (the "Authority") has been in the process of drafting Proposed Rules of Practice and Procedure to govern and assist parties in the conduct of business before the Authority; and

The Authority has received and granted four petitions to arbitrate unresolved issues pursuant to Section 252 of the Federal Telecommunications Act of 1996 as shown above and may receive more; and

The rules described above have not yet been finalized, proposed, or adopted by the Authority; and

AT&T Communications of the South Central States, Inc. and BellSouth Telecommunications, Inc. have held a Status Conference on the arbitration pending between them and have reached agreement as to certain rules of procedure which will control the conduct of those parties during the arbitration; and

American Communications Services, Inc., MCI Telecommunications Corporation, and Brooks-Fiber have requested that their own arbitrations with BellSouth be consolidated with the AT&T and BellSouth arbitration and such requests have been granted to the degree that there are genuinely common issues; and

The Directors of the Authority desire, not only to codify the agreements of the parties with regard to certain areas of procedure, but also to codify their own decisions with regard to procedure so that, among other things, the arbitrators and the parties have guidance regarding the methods by which the arbitration or arbitrations will be administered in order to assure fairness to the parties and a timely decision by the arbitrators; and

The Directors may do so by enacting Rules of Practice and Procedure Governing Proceedings Under Section 252 of the Federal Telecommunications Act of 1996 in accordance with the provisions of T.C.A. § 4-5-209;

**IT IS THEREFORE ORDERED:**


1. That the Rules of Practice and Procedure Governing Proceedings Under Section 252 of the Federal Telecommunications Act of 1996 (the "Section 252 Rules") attached hereto and made a part hereof, are adopted by the Authority pursuant to T.C.A. § 4-5-209 (a) as rules of public necessity; and
2. That the Authority has found that the reason that it needs the Section 252 Rules is that they are required by an agency of the federal government and the adoption of the Section 252 Rules through ordinary rulemaking procedures described in T.C.A. § 4-5-101 et seq. might cause the Authority to lose a federal program; and
3. That the Section 252 Rules, along with a copy of this Order, shall be immediately sent to the attorney general and reporter with a request for his approval pursuant to T.C.A. §§ 4-5-209 and 4-5-211; and
4. That upon receipt of such approval and filing with the Secretary of State, the Section 252 Rules shall be effective for a period of not longer than one hundred sixty-five (165) days from the date of such filing; and

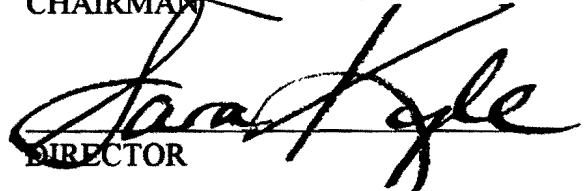
5. That any party aggrieved with the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order; and

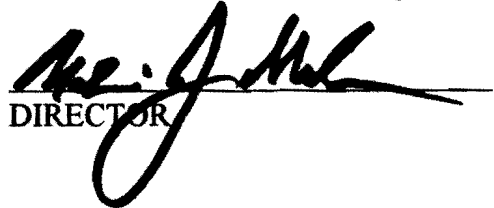
6. That any party aggrieved with the Authority's decision in this matter has the right of judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from and after the date of this Order.

ATTEST:

  
EXECUTIVE SECRETARY

  
CHAIRMAN

  
DIRECTOR

  
DIRECTOR