

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:	December 31, 1998)	
)	
PETITION OF NEXTLINK TENNESSEE, L.L.C. TO)	DOCKET NO.
SANCTION BELL SOUTH ADVERTISING AND PUBLISHING)	98-00654
CORPORATION AND ENFORCE THE TRA ORDER)	
REGARDING TELEPHONE DIRECTORIES)	

**ORDER DENYING NEXTLINK'S REQUEST THAT THE AUTHORITY REQUIRE
THAT THE WORDS "PUBLISHED BY" APPEAR ON THE COVER OF THE
BELL SOUTH 1999 NASHVILLE AREA WHITE PAGES DIRECTORIES**

On November 3, 1998, at a regularly scheduled Authority Conference, the Directors of the Authority considered several matters raised by the parties in this docket.¹ At the Conference, the parties announced a settlement agreement that will permit NEXTLINK Tennessee, L.L.C. ("NEXTLINK") to appear on the cover of the 1999 Nashville Area White Pages directory (the "BellSouth White Pages directory") published by BellSouth Advertising and Publishing Corporation ("BAPCO") on the behalf of BellSouth Telecommunications, Inc. ("BellSouth"). Pursuant to this agreement, NEXTLINK withdrew its motion seeking sanctions against BAPCO for BAPCO's alleged failure to comply with TRA Rule 1220— 4 —2 —.15, as interpreted by the Authority in its March 19, 1998, Declaratory Order issued in Docket No. 96-01692.

Although NEXTLINK and BAPCO reached an agreement concerning the BellSouth White Pages directory, NEXTLINK still requests that the Authority order BAPCO to place the

¹ The Authority has entered a separate Order, issued November 25, 1998, which denies the petition of BAPCO to stay the Authority's Order dated November 2, 1998, issued in this proceeding.

words “published by” above the name “BellSouth Advertising and Publishing” appearing on the cover of said directory. At the November 3, 1998, Conference the Authority voted to deny NEXTLINK's request.² In support of that decision, the Authority makes the following findings of fact and conclusions of law:

1. TRA Rule 1220— 4 —2 —.15 “Directories - Alphabetical Listing (White Pages)” (the “Rule”) requires that certain information appear on the cover of telephone directories. Specifically, paragraph (3) of the Rule requires that “the name of the telephone utility, the area included in the directory and the month and year of issue” appear on the cover.

2. In the agreement reached between BAPCO and NEXTLINK for the BellSouth White Pages directory, BAPCO has agreed to include on the cover the name and logo of NEXTLINK in like manner and consistent with the appearance of the name and logo of BellSouth.

3. NEXTLINK cites no authority to support its request that the Authority order BAPCO to place the words “published by” above BAPCO's name on the BellSouth White Pages directory. The Rule itself contains no requirement that the words “published by” appear on the directory cover.

4. In the absence of any statutory or regulatory requirement existing at this time, the Authority will not entertain this matter. Therefore, BAPCO will not be ordered to place the words “published by” above the words “BellSouth Advertising and Publishing” on the BellSouth

² In not supporting the majority, Chairman Malone was of the opinion that the Authority did in fact have the jurisdiction to, if necessary, order the use of the phrase “published by” to appear on the cover of the BellSouth White Pages directory. See Transcript of the November 3, 1998, Authority Conference at pp. 58-59 and 72-73.

White Pages directory.³

IT IS THEREFORE ORDERED THAT:

1. NEXTLINK's request that the Authority order BAPCO to place the words "published by" above the words "BellSouth Advertising and Publishing" on the BellSouth White Pages directory is denied.

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

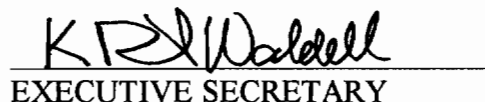
3. Any party aggrieved by the Authority's decision in this matter has the right of judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from and after the date of this Order.

CHAIRMAN


DIRECTOR

ATTEST:


DIRECTOR


EXECUTIVE SECRETARY

³ See Transcript of November 3, 1998, Authority Conference at pp. 59 and 71.

*** See *infra*, Note 2.