

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**March 6, 2008**

**IN RE:** )  
 )  
**MEMORANDUM OF UNDERSTANDING BY AND** ) **DOCKET NO.**  
**BETWEEN VERIZON WIRELESS TENNESSEE** ) **07-00274**  
**PARTNERSHIP D/B/A VERIZON WIRELESS AND** )  
**PEOPLES TELEPHONE COMPANY, INC.** )

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**ORDER APPROVING THE MEMORANDUM OF UNDERSTANDING  
REGARDING MINIMUM OPERATING TERMS AND CONDITIONS**

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This matter came before Chairman Eddie Roberson, Director Tre Hargett and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on February 25, 2008 to consider, pursuant to 47 U.S.C. § 252, approval of the *Memorandum of Understanding Regarding Minimum Operating Terms and Conditions* ("Memorandum") for the provision of commercial mobile radio services negotiated between Peoples Telephone Company, Inc. ("Peoples") and Verizon Wireless Tennessee Partnership d/b/a Verizon Wireless filed on December 18, 2007. The *Memorandum* is an interim agreement entered into by the parties pending the negotiation and filing of a definitive interconnection and reciprocal compensation agreement.

Based upon a review of the *Memorandum*, 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) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104 (2004).
- 2) The *Memorandum* is in the public interest as it provides consumers with alternative sources of telecommunications services within Peoples' service area.

3) The *Memorandum* is not discriminatory to 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 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).<sup>1</sup> 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 *Memorandum* is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

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

6) The *Memorandum* is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104 (2004).

**IT IS THEREFORE ORDERED THAT:**

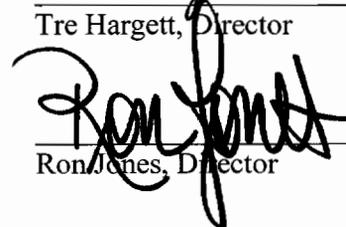
The *Memorandum of Understanding Regarding Minimum Operating Terms and Conditions* for the provision of commercial mobile radio services negotiated between Peoples Telephone Company, Inc. and Verizon Wireless Tennessee Partnership d/b/a Verizon Wireless is approved and is subject to the review of the Authority as provided herein.



Eddie Roberson, Chairman



Tre Hargett, Director



Ron Jones, Director

<sup>1</sup> See 47 U.S.C. § 252(e)(2)(B).