BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 23, 2001

IN RE:	)	
	)	
PETITION FOR ARBITRATION OF ITC^DELTACOM COMMUNICATIONS, INC. WITH BELLSOUTH TELECOMMUNICATIONS, INC. PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996	)	**DOCKET NO. 99-00430**

FINAL ORDER OF ARBITRATION

On February 6, 2001, this matter came before the Directors of the Tennessee Regulatory Authority ("Authority") acting as Arbitrators pursuant to 47 U.S.C. § 252 upon the filing of final best offers by ITC^DeltaCom Communications, Inc. ("DeltaCom") and BellSouth Telecommunications, Inc. ("BellSouth") and the filing of a *Motion for Reconsideration and Clarification* by BellSouth.

I. Procedural Facts and History

The Telecommunications Act of 1996 ("Act") requires that incumbent local exchange carriers ("ILECs") provide new entrants to the local telecommunications market with access to telephone networks and services on "rates, terms, and conditions that are just, reasonable, and nondiscriminatory." 47 U.S.C. § 251(c)(2)(D). Pursuant to §§ 251 and 252 of the Act, ILECs and other telecommunications carriers have a duty to negotiate in good faith the terms and conditions of agreements regarding facilities access, interconnection, resale of services, and other arrangements listed in these sections. *See id.* §§ 251, 252. If the parties are unable to reach an agreement voluntarily, either party may petition the state commission for arbitration. *See id.* §