

Expedited Dispute Resolution

Guidelines for expedited dispute resolution were developed in Case 99-C-1529, Expedited Dispute Resolution Process for Disputes Involving Competing Telecommunications Carriers ([see guidelines below](#)). The process is intended to result in rapid resolution of inter-carrier disputes that warrant immediate attention, through use of a variety of methods, including negotiation and mediation. This process has been used successfully in the past to resolve disputes, and wider publication of this process is intended to enable more carriers to benefit from its existence. In accordance with the Guidelines, telecommunications carriers with a dispute should bring appropriate matters to the attention of the Chief of Carrier Operations in the Office of Telecommunications by dialing (518) 474 -4500. Parties may also, if they wish, file a petition with the Secretary to the Commission (identifying it as a petition for relief under the Expedited Dispute Resolution Process). Disputes regarding service operation impairment can be reported by e-mailing the CLEC Service Operational Impairment Report form [SOIR form](#) to the Office of Telecommunications. Disputes regarding migration problems can be reported by e-mailing the Migration Dispute Resolution Form [MDRR form](#).

GUIDELINES FOR EXPEDITED DISPUTE RESOLUTION

- # Expedited Dispute Resolution (EDR) is a process designed to resolve disputes between competing telecommunications carriers in an expeditious manner.
- # Many of the disputes are anticipated to be of an operational nature that are beyond the scope of the parties' interconnection agreements.
- # The process is not designed to be a substitute for Alternative Dispute Resolution processes that may be specified in the parties' interconnection agreements; nor is the process designed to handle disputes that may involve generic policy issues, involve consumer complaints against the carriers, or involve requests for damages.
- # Because the best outcome is achieved when the parties resolve their dispute in a business to business environment rather than by regulatory prescription, it is essential that the parties use, in good faith, established escalation processes for resolving disputes.
- # Incumbent Local Exchange Carriers should have fair escalation processes known to the Competitive Local Exchange Carriers. Parties should exhaust this remedy before turning to the Department's Expedited Dispute Resolution process, unless an emergency situation dictates otherwise.
- # Because disputes will vary from the simple and focused to

the multi-faceted and complex, two resolution processes will be employed: analysis by appropriate technical staff and, if required, a written advisory decision from the Director of the Office of Communications or mediation efforts by an administrative law judge (ALJ) with appropriate technical and legal staff and, if required, a written advisory decision from the ALJ. Written advisory decisions are only expected to be necessary in extraordinary situations.

Upon Staff's request during the process, a party should refrain from taking actions that would impair the other carrier's ability to offer service to its end users. Generally this will involve the maintenance of the status quo.

Advisory decisions by the Director and ALJ may be issued. Parties would be given a specified amount of time in which to accept the advisory decisions to preclude the need to have the matter resolved by the Commission.

Guidelines for Parties Involved in Expedited Dispute Resolution:

- A. Any party requesting EDR intervention should demonstrate that it has followed and exhausted the appropriate escalation process, unless it can show that it is impracticable to do so.
- B. The party requesting EDR should provide full, but brief, documentation of the issue or issues in dispute as well as provide all relevant facts to the Department and to the other party involved in the dispute.
- C. The party requesting EDR should provide a date by which it requests resolution and it should provide support for its request.
- D. The other party should respond to allegations of the dispute, and both parties should be prepared to meet in person or by conference call at a time specified by staff. If dictated by the nature of the complaint, staff may request that parties respond and meet within a short period of time.
- E. Both parties should have at all meetings, unless otherwise agreed to, persons who are authorized to resolve the dispute.