

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

- CASE 94-C-0095 - Proceeding on Motion of the Commission to Examine issues Related to the Continuing Provision of Universal Service and to Develop a Regulatory Framework for the Transition to Competition in the Local Exchange Market
- CASE 95-C-0657 - Joint Complaint of AT&T Communications of New York, Inc., MCI Telecommunications Corporation, WorldCom, inc. d/b/a LDDS WorldCom and the Empire Association of Long Distance Telephone Companies, Inc. Against New York Telephone Company concerning Wholesale Provisioning of Local Exchange Service by New York Telephone Company and Sections of the New York Telephone's Tariff No. 900.
- CASE 91-C-1174 - Proceeding on Motion of the Commission Regarding Comparably Efficient Interconnection Arrangements for Residential and Business Links.
- CASE 93-C-0103 - Petition of Rochester Telephone Corp. for Approval of a Proposed Restructuring Plan.

NOTICE OF PROCEDURES FOR  
IMPLEMENTING SECTIONS 251 AND 252 OF THE  
TELECOMMUNICATIONS ACT OF 1996

(Issued June 14, 1996)

The Telecommunications Act of 1996 (the Act) provides for the submission to state commissions for their approval of interconnection agreements between telecommunications carriers and incumbent local exchange carriers. In the event negotiations between these parties fail, in whole or in part, parties may request mediation or arbitration from the state commission. The state commission may, to the extent practical, consolidate proceedings in order to reduce administrative burdens.

The Act imposes expedited schedules for commencement of arbitration and for state commission approval of negotiated or arbitrated agreements. In particular, the Act imposes a time limit of nine months from the date the telecommunications carrier requests an interconnection agreement until state resolution by arbitration of any unresolved issues. Once an agreement is

submitted for approval, the state commission must act to approve or reject it within 90 days of submission by the parties of an agreement reached through negotiation and within 30 days of submission of an agreement adopted by arbitration. If the state commission allows these deadlines to lapse, the agreement is to be deemed approved.

In light of the necessity for expeditious action under the Act, the Chairman of this Commission has requested that I establish these general procedures to facilitate orderly decision-making.

Parties are urged to pursue negotiated resolutions of the issues involved in interconnection agreements. In light of the advantages of solutions crafted by parties themselves, the success of recent collaborative processes, the efficacy of the mediation process for resolution of the complex issues involved, the ongoing litigation on related issues, and the time constraints of the Act, parties will be well served to seek a negotiated resolution.

#### Requests for Mediation

Requests for mediation pursuant to 47 U.S.C. § 252(a)(2) must be filed by submitting 25 copies to the John C. Crarry, Secretary of the Commission, 3 Empire State Plaza, Albany, New York 12223-1350. All filings must comply with the requirements of 47 U.S.C. §252. Requests should include supporting documentation, should specify the issues requiring mediation, and should be served upon the other negotiating parties. Parties will be notified immediately of the assignment of a mediator. Mediators will be trained neutrals charged with assisting parties in reaching agreement.

#### Petitions for Arbitration

Petitions for arbitration must be filed during the period from the 135th to the 160th day (inclusive) after the date

on which an incumbent local exchange carrier receives a request for negotiation, pursuant to 47 U.S.C. §252(b). Petitions must comply with the requirements of 47 U.S.C. §252. Petitions for arbitration similarly must be filed by submitting 25 copies to the Secretary of the Commission, and served the same day on negotiating parties. Petitions for arbitration must also be served, the day they are filed, upon all active parties in Cases 95-C-0657 (the resale proceeding) and 93-C-0103 (the Rochester Telephone Corp. Open Market Plan proceeding). The incumbent local exchange carrier party must serve the petition on all other telecommunications carriers requesting interconnection, services, or network elements from it pursuant to 47 U.S.C. §252. Those not parties to the arbitration may file and serve comments on the petition within 15 days of service; replies may be filed and served within 5 days thereafter. Such comments and replies must be filed by submitting 15 copies to the Secretary of the Commission and served upon all active parties in Cases 95-C-0657 and 93-C-0103.

Petitions for arbitration must specify the matters to be arbitrated and must include adequate documentation. If the subject of the arbitration includes issues of fact, the petitioning party or parties may submit a proposed discovery and evidentiary hearing schedule. Parties are encouraged to submit joint procedural proposals for the arbitrator's consideration, consistent with the Commission Rules of Procedure and the Act. An arbitrator or a panel of arbitrators will be appointed immediately and will establish a schedule to conclude the arbitration consistent with the timetables of the Act, allowing both sides to present their positions and respond to the other's. The arbitration recommendation will be submitted to the Commission for final determination.

Petitions for Approval of Agreements

Upon filing a petition for approval of an agreement arrived at through negotiation, the petitioning parties shall serve a copy of the petition and the agreement or a summary of its contents upon all active parties in Cases 95-C-0657 and 93-C-0103. The incumbent local exchange carrier party must serve the petition on all other telecommunications carriers requesting interconnection, services, or network elements from it pursuant to 47 U.S.C §252. Interested parties may file and serve comments on the petition for approval within 15 days of service; replies may be filed and served up to 5 days thereafter. Fifteen copies of such comments and replies must be filed with the Secretary to the Commission; all active parties in Cases 95-C-0657 and 93-C-0103 must be served. Comments are limited to the grounds enumerated in 47 U.S.C. §§252(e)(2) and (3).

Upon filing a petition for approval of an agreement arrived at through arbitration, the petitioning parties shall serve a copy of the petition and the agreement or a summary of its contents upon all active parties in Cases 95-C-0657 and 93-C-0103. The incumbent local exchange carrier party must serve the petition on all other telecommunications carriers requesting interconnection, services, or network elements from it pursuant to 47 U.S.C. §252. Within 5 days of the filing of a petition for approval of an agreement arrived at through arbitration, interested parties may file 15 copies of their comments on the petition for approval with the Secretary to the Commission and serve all active parties in Cases 95-C-0657 and 93-C-0103; no reply comments will be considered. Comments are limited to the grounds enumerated in 47 U.S.C §§252(e)(2) and (3).

A copy of each agreement approved will be made available at Central Files within ten days of the approval of the agreement, pursuant to 47 U.S.C. §252(h). Finally, unless

CASES 94-C-0095, 95-C-0657, 91-C-1174, and 93-C-0103

otherwise indicated herein or in conflict with the Act, the Commission's Rules of Procedure govern petitions for arbitration and requests for mediation.

JOHN C. CRARY  
Secretary