

BEFORE THE
MISSISSIPPI PUBLIC SERVICE COMMISSION

IN RE: ORDER OF THE MISSISSIPPI
PUBLIC SERVICE COMMISSION
ESTABLISHING A DOCKET TO
CONSIDER COMPETITION IN
THE PROVISION OF LOCAL
TELEPHONE SERVICE

DOCKET NO. 95-UA-358
SUB-DOCKET: SECTION 252
PROCEDURES

ORDER

I. GUIDELINES FOR NEGOTIATION,
ARBITRATION AND APPROVAL OF AGREEMENTS

Section 252 of the Federal Telecommunications Act of 1996 (TA96) establishes methods to resolve disputes between carriers. These methods include voluntary negotiations, State Commission mediation, State Commission arbitration, State Commission approval of Statements of Generally Available Terms and State Commission approval of all agreements.

The Commission will need to have in place procedures or guidelines in the near future in anticipation of such requests or petitions. To achieve this goal, the Commission seeks suggestions and comments from all interested persons. While TA96 specifies certain procedural requirements and substantive standards for voluntary negotiations, mediation, arbitration and Commission approval of agreements, it is silent regarding a number of other procedural and substantive issues. This Commission will attempt to address the void left by TA96.

Therefore, the Commission finds that interested parties are requested to provide proposed guidelines concerning the "nuts and bolts" of how this Commission should implement Section 252 of TA96 pertaining to negotiation, mediation, arbitration and approval of agreements regarding interconnection, network elements, transport and termination of traffic and wholesale prices.

Since TA96 sets out a short time-frame for implementation of mediation and arbitration, this Commission must act quickly.

II. CONCURRENT FILING REQUIREMENTS REGARDING PETITIONS TO ARBITRATE; NOTIFICATION OF INTERCONNECTION REQUESTS

The passage of TA96 sets forth a tight schedule for the resolution of interconnection disputes. The carrier or any other party to the negotiation may petition this Commission to arbitrate any open issues during the period from the 135th to the 160th day (inclusive) after the date on which the incumbent LEC receives the request for negotiation under Section 252. The responding party then has a period of 25 days to respond to the petition. This Commission must then render a decision no later than 9 months after the date on which the LEC received the request for interconnection--i.e., approximately 270 days.

If the petitioning party waited until day 160 to file its petition and the responding party took the full 25 days--i.e., up to day 185--then this would mean that the Commission would have only 85 days, or about two and one-half months, to render a

decision. Since these interconnection disputes may involve questions of fact and may therefore require an evidentiary hearing for which prefiled testimony is appropriate, 85 days may be too short a time to properly do the job.

The Commission finds that it may be necessary to issue an Order specifying that the petitioning party in an interconnection dispute must notify the Commission of the date it has initiated an interconnection request or a request to negotiate pursuant to Section 252, that this request for interconnection and/or negotiation must be in writing, and that a copy of this request must be provided to the Commission. In addition, the petitioning party would be required to submit prefiled testimony and cost studies concurrently with the filing of its petition for arbitration, in addition to any other materials required under Section 252(b)(2). Likewise, the responding party would be required to prefile testimony and submit cost studies at the same time that it files its response.

These requirements should be consistent with TA96. Section 252(b)(4)(B) provides that the State Commission may require the petitioning party and the responding party to provide such information as may be necessary for the State Commission to reach a decision on the unresolved issues.

The Commission finds that the requirements for prefiled testimony and cost studies from the parties may help expedite the

interconnection arbitration process and will better enable this Commission to meet its obligations under TA96.

The Commission finds that comments and suggestions would be helpful in assisting this Commission in determining whether the following procedures should be adopted:

1. The party requesting negotiation for the purpose of interconnection to provide local exchange or local access service must:

(a) make this request of the party from whom interconnection is sought in writing; and

(b) provide 10 copies of this request to the Commission within 5 days of having made the request showing clearly the date on which the request was made.

2. During the period from the 135th to the 160th day (inclusive) after the date on which an incumbent LEC receives a request for negotiation, the carrier or any other party may petition the Commission to arbitrate any open issues. Upon petitioning the Commission, and in addition to any other information required by TA96, by statute, order, or rule, the petitioning party must submit prefiled testimony and any other relevant evidence, including cost studies, concurrently with the filing of its petition for arbitration.

3. The responding party must respond to the petitioning party's filing within 25 days after the Commission receives the petition for arbitration and must submit prefiled testimony and

any other relevant evidence, including cost studies, concurrently with the filing of its response.

4. Parties which have already requested negotiation for the purpose of interconnection in order to provide local exchange or exchange access service shall provide 10 copies of this request to the Commission within 10 days of the date of this Order showing clearly the date on which the request was made.

IT IS, THEREFORE, ORDERED:

1. That all parties to the original Docket 95-UA-358 are hereby parties to this sub-docket without the need for further intervention.

2. That this sub-docket is to consider Section 252 procedures for applicants who wish to provide local telecommunications services.

3. That the Executive Secretary of the Commission is directed to serve a copy of this Order on all parties in Docket 95-UA-358.

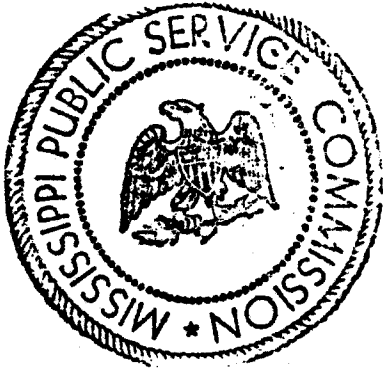
4. That the Commission requests interested persons to submit written comments, suggestions and proposed guidelines regarding the two issues set forth herein no later than May 28, 1996. The original and fourteen (14) copies are to be filed.

5. That this sub-docket is made returnable to Docket Day, 10:00 a.m., June 4, 1996 at which time the Commission will discuss dates for a hearing.

Chairman Nielsen Cochran voted aye; Vice-Chairman Bo Robinson voted aye; Commissioner Curt Hebert voted aye.

SO ORDERED on this the 19th day of May, 1996.

MISSISSIPPI PUBLIC SERVICE COMMISSION



Nielsen Cochran
Nielsen Cochran, Chairman

Bo Robinson
Bo Robinson, Vice Chairman

Curt Hebert
Curt Hebert, Commissioner

ATTEST: A True Copy

Brian U. Ray
Executive Secretary