

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

|                                   |                     |
|-----------------------------------|---------------------|
| IN THE MATTER OF PROPOSED RULES ) |                     |
| REGARDING PROCEDURES FOR COM- )   |                     |
| MISSION PARTICIPATION IN THE )    | DOCKET NO. 96R-173T |
| NEGOTIATION AND MEDIATION OF )    |                     |
| INTERCONNECTION AGREEMENTS )      |                     |
| BETWEEN TELECOMMUNICATIONS CAR- ) |                     |
| RIERS WITHIN THE STATE OF )       |                     |
| COLORADO. )                       |                     |

**NOTICE OF PROPOSED RULEMAKING**

-----  
Mailed Date: April 25, 1996  
Adopted Date: April 24, 1996  
-----

**I. BY THE COMMISSION:**

**Statement**

1. The Colorado Public Utilities Commission hereby gives notice of proposed rulemaking regarding procedures for requesting Commission participation in the negotiation and mediation of interconnection agreements between telecommunications carriers within the State of Colorado. The intent of the proposed rules is to establish the process to be used and the information required for submission when any telecommunications carrier negotiating an interconnection agreement with another carrier requests that the Commission

participate in or mediate negotiations for such agreements. A copy of the proposed rules is attached to this notice of proposed rulemaking. The statutory authority for the proposed rules is found at 40-2-108 and 40-3-102, C.R.S. In addition, the proposed rules are intended to comply with federal directives set forth in 47 U.S.C. 251 and 252.<sup>1</sup>.

2. The Commission will conduct a hearing before an administrative law judge on the proposed rules and related issues at the below stated time and place. Interested persons may submit written comments on the rules and present these orally at hearing, unless the Commission deems oral presentations unnecessary. The Commission also encourages interested persons to submit written comments before the hearing scheduled in this matter. In the event interested persons wish to file comments before hearing, the Commission requests that initial comments be filed 20 days prior to the hearing date; reply comments should be filed 10 days prior to the hearing set herein. The Commission will consider all submissions.

---

<sup>1</sup> In Decision No. C96-414, issued in Docket No. 96R-165T, we adopted emergency rules relating to participation in the negotiation and mediation of interconnection agreements between telecommunications within the state. The instant proceeding is intended to lead to adoption of permanent rules to replace the emergency rules approved in Decision No. C96-414.

## II. ORDER

### A. The Commission Orders That:

1. This Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the May 10, 1996 edition of *The Colorado Register*. At the time of filing with the Secretary of State, this notice shall also be filed with the Office of Regulatory Reform.

2. Hearing on the proposed rules and related matters shall be held before an administrative law judge of the Commission as follows:

DATE: June 6, 1996

TIME: 9:00 a.m.

PLACE: Commission Hearing Room  
Office Level 2 (OL2)  
Logan Tower  
1580 Logan Street  
Denver, Colorado

At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the Commission deems oral comments unnecessary.

3. Interested persons may file written comments in this matter before hearing. The Commission requests that initial prefiled comments be submitted 20 days before the scheduled hearing. Reply comments should be filed 10 days prior to hearing. All submissions, whether oral or written, will be considered by the Commission.

4. This order is effective on its Mailed Date.

B. ADOPTED IN OPEN MEETING April 24, 1996.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\_\_\_\_ Commissioners

COMMISSIONER CHRISTINE E. M. ALVAREZ  
RESIGNED EFFECTIVE APRIL 5, 1996.

THE  
PUBLIC UTILITIES COMMISSION  
OF THE  
STATE OF COLORADO

RULES ESTABLISHING PROCEDURES RELATING TO  
A REQUEST FOR PARTICIPATION OF THE COMMISSION  
IN THE NEGOTIATION AND MEDIATION  
OF INTERCONNECTION AGREEMENTS WITHIN COLORADO  
BETWEEN TELECOMMUNICATIONS CARRIERS  
4 CCR 723-45

**BASIS, PURPOSE, AND STATUTORY AUTHORITY**

These rules are issued under the authority of 40-2-108 and 40-15-404 C.R.S., and are consistent with 40-15-503 C.R.S., 47 U.S.C. 251 and 47 U.S.C. 252(a)(2). The rules establish the process to be used and the information required by the Commission when an entity negotiating an interconnection agreement requests the Commission to participate in the negotiation and to mediate any differences arising in the course of the negotiation. Upon completion of negotiations, the Parties shall submit any agreement to the Commission for approval in accordance with the procedures established in 4 CCR 723-44.

**RULE 4 CCR 723-45-1. APPLICABILITY.** These rules apply to any negotiation of an interconnection agreement relating to telecommunications services in the State of Colorado in which one Party to the Negotiations has requested Commission participation and/or mediation in the negotiations.

**RULE 4 CCR 723-45-2. DEFINITIONS.** The meaning of terms used in these rules shall be consistent with their general usage in the

telecommunications industry unless specifically defined by Colorado statute or this rule. In addition to the definitions in this section, the statutory definitions apply. In the event the general usage of terms in the telecommunications industry or the definitions in this rule conflict with the statutory definitions, the statutory definitions control. As used in these rules, unless the context indicates otherwise, the following definitions apply:

723-45-2.1 Commission. The Public Utilities Commission of the state of Colorado.

723-45-2.2 Negotiated Interconnection Agreement; or Agreement. An agreement being negotiated between or among Parties for the purpose of the electronic, optical or any other means of transmission of information between separate points by prearranged means.

723-45-2.3 Party(ies) to the Negotiation; or Party(ies). Any telecommunications carrier providing or desirous of providing telecommunications services in the State.

723-45-2.4 Request. A filing made by a telecommunications carrier with the Commission asking the Commission to participate in the interconnection agreement negotiations and to mediate any differences.

723-45-2.5 Telecommunications Carrier or Local exchange carrier (LEC). Any person that is engaged in the provision of telephone exchange service or exchange access. Such term does not include a person insofar as such person is engaged in the provision of a commercial mobile service under 47 U.S.C. 332(c) except to the extent that the FCC finds that such service should be included in the definition of such term.

**RULE 4 CCR 723-45-3. REQUEST PROCESS.**

723-45-3.1 Pursuant to 47 U.S.C. 252(a)(2), any Party negotiating an Agreement may, at any point in the negotiation, ask the Commission to participate in the negotiation and to mediate any differences arising in the course of the negotiation.

723-45-3.2 To make a Negotiation/Mediation Request, a Party shall file a letter with the Director of the Colorado Public Utilities Commission (CPUC) at 1580 Logan Street, Denver, Colorado 80203.

723-45-3.3 Information To Be Included in Request:

723-45-3.3.1 The Negotiation/Mediation Request shall contain, in the following order and specifically identify, the following information, either in the Request or in appropriately identified, attached exhibits:

723-45-3.3.1.1 The name, address, and telephone number of the party to the negotiation making the request;

723-45-3.3.1.2 The name, address, and telephone number(s) of the other parties to the negotiation;

723-45-3.3.1.3 The name and address of the party(ies) representative, if any, who is participating in the negotiations and to whom all inquiries should be made;

723-45-3.3.1.4 The negotiation history, established meeting times and location;

723-45-3.3.1.5 The issues on which the requestor is seeking Commission negotiation participation and possible mediation; and

723-45-3.3.1.6 The specific skills requested from the Commission (e.g. engineer, economist, attorney, trained mediator, or a combination of the above).

**RULE 4 CCR 723-45-4. NEGOTIATION/MEDIATION PROCESS.**

723-45-4.1 Pursuant to 47 U.S.C. 252(a)(2), the Commission shall participate as a party to the interconnection agreement negotiations and mediate any differences arising in the course of the negotiation.

723-45-4.1.1 Upon receipt of a Request for Commission negotiation/mediation, the Commission shall assign a tracking number to the matter.

723-45-4.1.2 Response to Request. The Commission will

Attachment A  
Decision No. C96-438  
DOCKET NO. 96R-173T  
4 CCR 723-45  
Page 4 of 5

respond to the Request within ten (10) business days after receipt. The response shall identify the assigned Commission contact person and other Commission personnel as are necessary.

723-45-4.2. The Commission contact person shall promptly schedule negotiations/mediation sessions. These sessions shall continue until: a) all outstanding issues are settled; b) all parties, including Commission Staff, agree that further negotiations/mediation will not assist in the resolution of issues; or c) one of the parties to the negotiation/mediation files a petition for compulsory arbitration pursuant to 47 U.S.C. 252(b)(1).

**RULE 4 CCR 723-45-5. CONFIDENTIALITY OF INFORMATION DURING NEGOTIATION PROCESS.** All information discussed or submitted during the negotiation and mediation process will be considered and treated as confidential by the Commission, consistent with applicable law.

**RULE 4 CCR 723-45-6.** All Agreements reached as the consequence of negotiations or mediation shall be submitted to the Commission for approval following the rules established in 4 CCR 723-44.

G:\NOPR\96R173T.RLS