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STATE COMMISSION MEDIATION AND ARBITRATION OF INTERCONNECTION AGREEMENTS: PROCEDURES AND STATUS UNDER THE TELECOMMUNICATIONS ACT OF 1996

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Introduction

One of the most important immediate areas of state responsibility under this year's federal telecommunications legislation is mediation and arbitration of interconnection agreements between incumbent local exchange carriers and new entrants into the local market. State regulatory commissions have quickly developed procedural rules to deal with the negotiations now underway. In this paper we describe decisions that commissions have made on how to go about playing their role. We also give an interim status report on review of proposed interconnection agreements.[1] In the interest of the time sensitivity of this paper, the NRRI has not attempted to be comprehensive, preferring to sacrifice coverage for speed. The procedures of 13 states are analyzed. The report on status relies heavily on the trade press, with much appreciated input from members of the NARUC Staff Subcommittee on Law.

From the information we have it is clear that the mediation provisions of the new law are not being used but that state commissions are flooded with arbitration requests. Numerous approvals (or rejections) will be made by late fall or early winter. States are taking a wide variety of approaches to arbitration, crafting processes that are adapted to their own state laws and not adhering rigidly either to the procedures of traditional cases or those recommended by the American Arbitration Association (AAA). The tight deadlines of the law effectively prohibit a typical administrative proceeding and the AAA guidelines address private disputes rather than public ones.

Several critical areas for procedural decisions have emerged, including who may participate in the process at what stage, the choice of arbitrator (including commissioner and staff roles), whether to consolidate proceedings or keep them individual, and the openness of the discovery process. These will be briefly discussed.

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[1] This paper is one of a series on interconnection and other issues arising from passage of the Telecommunications Act of 1996. See also Robert E. Burns, Vivian Witkind Davis and David W. Wirick, *Some Issues in Commission Mediation and Arbitration of Interconnection Agreements: Defining and Staffing the Administrative Process* and Michael E. Clements, *Most-Favored Nation Clauses and Telecommunications Interconnection: Making the Safeguards Safe.* A short, descriptive paper on substantive issues in interconnection agreements is forthcoming, as well as an analytical piece.

State Responsibilities

Under the Telecommunications Act of 1996, signed into law February 8, 1996, state commissions approve all interconnection agreements. Interconnection is a vital key to the Act, which aims to open up the local exchange market to competition. Today's public switched network is based on a platform operated by monopolies, the incumbent local exchange carriers. In the near future that platform will still be the basis for a nascent network of networks that hooks together providers using different technologies or business approaches. Newcomers to the local exchange market need to be able to interconnect with the incumbent provider efficiently and fairly if competition is to get started. Section 251 of the Act establishes the duties of telecommunications carriers, local exchange carriers and incumbent local exchange carriers, including the duty of an incumbent to provide interconnection with its network to any requesting telecommunications carrier.

Section 252 sets forth the procedures for reaching interconnection agreements. Agreement may be reached through voluntary negotiations, in which case the state commission has 90 days from the time an agreement is submitted to it to approve or reject. If the negotiations run into trouble, one of the parties may ask the commission to mediate at any time. Between the 135th day and the 160th day of negotiations, any party may ask the commission to arbitrate. If one does, an arbitrated agreement must be reached within 270 days of the date of the beginning of negotiations and a commission decision must be reached by 30 days later. The emphasis is thus very much on speed, taking away the ability of the incumbents to delay competitive challenges by postponing the day when a new entrant can interconnect with the existing network. A party aggrieved by the commission's decision may bring an action in federal district court. If a state fails to act, the Federal Communications Commission (FCC) can preempt.

A state commission may only reject an agreement reached through voluntary negotiations if all or part of the agreement discriminates against a telecommunications carrier which is not a party to the agreement or implementation would not be consistent with the public interest, convenience and necessity. It may only reject an agreement adopted by arbitration if it finds that the agreement does not meet the Act's interconnection requirements. States may establish or enforce other requirements of state law in reviewing an agreement, including service quality standards and other public interest concerns.

Appropriately, the FCC interconnection rules issued August 8 do not address state procedures for approval of interconnection agreements. The rules do spell out the duty of incumbents to negotiate and the FCC procedures for arbitration in case a state fails to act and the responsibility for approval falls to the federal agency. If that happens, the FCC will use final offer arbitration.[2]

General Considerations

State definitions of mediation and arbitration vary, as shown in Table 1. The Act does not provide definitions of the terms. Nor is there an explanation of Congressional intentions in the legislative history. The provisions on state approval of interconnection agreements originated in the Senate and, according to a staff person on the Senate side, the members of the Senate Commerce Committee intended to leave it up to the states to spell out the definitions and process of mediation and arbitration within the statutory time frames.[3]

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[2] To be codified at 47CFR 51.807(d).

[3] Katie King, August 14, 1996.

Section 252 requires parties to a negotiation to submit interconnection agreements entered into before the passage of the Telecommunications Act to the state commission.[4] Some states have explicitly included this requirement in their procedures for approval of interconnection agreements (Table 1). Colorado and Wisconsin have required filing with the commissions of all interconnection agreements in effect before the law passed, whether or not negotiations have started between any two parties.[5]

The date on which negotiations start is a critical one for setting the deadline for state approval of an interconnection agreement. Some states have required in their procedures that they be notified when negotiations begin. This can help in planning the commission's schedule.

Mediation

Tables 2 through 4 detail procedures that commissions have set up to handle requests for mediation, should those occur. Many of the states in our nonrandom sample, perhaps those that have defined procedures most recently, do not include mediation in their policies and procedures. Mediation is a more informal process than arbitration, conducted in private only by the negotiating parties. Commissions have provided for selecting a mediator from outside the commission, from inside, or co-mediation by staff and outside mediators. Using both staff and outside mediators may be the most useful approach, since it compensates for the lack of experience of staff in mediation techniques, yet uses their familiarity with telecommunications systems and processes (not a subject with which the usual mediator will be well-versed) and starts to build mediation skills within the commission.[6]

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[4] Section 252(a)(1) and (e)(1) and to be codified at CFR 51.303.

[5] Conference call of Staff Subcommittee on Law, June 21, 1996.

[6] Burns, Davis and Wirick, 4-6.

Arbitration

Tables 5-8 provide information on arbitration proceedings that commissions are using. We will highlight only a few issues.

Consolidation of Proceedings

Several commissions have moved to consolidate arbitration proceedings (see Table 5, which also includes information on specific arbitration procedures, who pays for the arbitration and expected outcomes). Regional consolidation is one approach. Four Midwestern states have consolidated negotiations between AT&T and Ameritech. Maryland, Washington and Wisconsin are among the states which have consolidated various arbitration cases that have come up at close to the same time. States may consolidate treatment of issues where all parties are already in agreement, where the areas of dispute are the same, or both. Where disputed areas differ the arguments for consolidation are weaker. The advantages of putting arbitrations under one umbrella include efficient use of commission and company time and resources, and reduced ability of the incumbent to game the process and perhaps use the *de facto* precedential effect of the first agreement to its advantage.[7] According to incumbents, their resources may be taxed by this approach. It also presents a timing problem for commissions, since the earliest deadline for completing an agreement becomes the one that governs the timespan for negotiations.

Participation of Intervenors

One of the most important decisions commissions are making on arbitration procedures is the degree of participation allowed to intervenors. A strict definition of arbitration does not allow for participation by any outside parties; it is up to the two parties to reach agreement. Commissions, however, must assure that the public

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[7] Clements, *Most Favored Nation Clauses.*

interest is accounted for, and one way to do this is somehow to include all interested parties in the deliberations. In comments to the Georgia Public Service Commission on possible arbitration procedures, companies and interest groups that were not parties to the negotiations between BellSouth and AT&T argued for participation by intervenors. The consumers counsel, for example, argued for the opportunity to participate and the cable TV association said any person wishing to intervene in the arbitration should be allowed to do so because arbitration "may result in the creation of a body of precedent."[8]

A commission may completely exclude third parties at the arbitration stage, allow them to observe but not comment, allow them to submit written comments or allow them to participate fully. California, for example, allows the public to attend arbitration hearings unless a party requests a closed hearing and the arbitrator, in consultation with a commissioner, approves it. Washington allows participation by other than the parties to the arbitration on a showing of a compelling public interest and the state attorney general on request and with some limitations. In deciding how much, if any, participation by third parties is called for, a commission must balance the rights of arbitrating parties with its public interest obligations.

Information Sharing and Discovery

State procedures spell out different approaches to discovery (see Table 6). The Minnesota Commission, for example, requires parties and intervenors to serve discovery requests on other parties at any time and can compel discovery on a party's complaint. The Illinois Commerce Commission calls for both parties to the arbitration to include details about people who have discoverable information relevant to disputed issues. If a party fails to comply with a discovery order, the party's documents may be struck or the party not allowed to support claims.

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[8] Consumers' Utility Counsel, *Comments Regarding Arbitration under the Federal Telecommunications Act of 1996* , Aug. 15, 1996, and comments of Cable Television Association of Georgia, Aug. 15, 1996.

Incumbent local exchange carriers and other parties to an arbitration proceeding may want to limit access to information when they can, but to achieve a level playing field for competition, as little information as possible should be considered proprietary.

Choice of Arbitrator

In the Georgia effort to solicit comments on possible arbitration procedures, the state telephone association recommended using a "neutral and separate arbitrator," saying the commission's role is limited to final approval of the interconnection agreement.[9] Outside arbitrators are likely to be neutral but may lack knowledge of the arcane policy area they would be dealing with. It is possible that incumbents believe they may have more control over arbitrated proceedings if an arbitrator unrelated to the commission is used. Section 252 takes away some ability to delay the process, but incumbents can still be expected to jockey for control of the technical arguments.

The commissions represented in Table 7 have for the most part decided that an arbitrator will be an insider (where that information was documented in the procedures). Some commissions have decided that one or all of the commissioners may serve as arbitrator. Others, such as the California Public Utilities Commission, leave the arbitration ruling to an Administrative Law Judge, with the commission voting the agreement up or down.

The role of staff is important to consider in defining arbitration processes. The expertise of technical staff may be needed to understand and resolve issues, but perhaps as advisors to the arbitrator or commission rather than as parties to the arbitration.

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[9] Georgia Telephone Association, *Comments on Arbitration under the Federal Telecommunications Act of 1996*, Aug. 15, 1996.

Approval

At the approval stage, some commissions which do not allow active participation by third parties during the arbitration proceedings may solicit public input. When the agreement is filed, the California commission allows public comment, after which the commission votes the agreement up or down. With only 30 days between conclusion of an arbitrated agreement and final commission approval, commissions choosing this route will have to manage their time well to be able to give thorough consideration to comments.

Status of Arbitration Proceedings

Table 9 shows the status of arbitration proceedings throughout the United States as of late August. The NRRI did not do a complete survey of the states in preparing the table, but surveyed the trade press and solicited input from members of the Staff Subcommittee on Law. Presumably there are many more arbitrations underway than listed in the table.[10] AT&T has filed for arbitration throughout the United States, with the 270-day period for completion of arbitration slated to end in late November and early December.[11] More than a hundred other arbitrations are listed. With so many agreements to be decided at close to the same time, it will take a while to sort out the results. Commonalities among interconnection agreements are likely to develop as decisions are thrashed out within a state, a region or for a particular company.

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[10] The authors of this paper would be happy to have further input on procedures and status of arbitration. If you have questions, comments or information to add, please contact Vivian Witkind Davis (phone: 614-292-9423; e-mail davis.241@osu.edu) or Nancy Zearfoss (614-292-3057; zearfoss.1@osu.edu).

[11] William K. Mosca, Jr., Director -- Regulatory and Legislative Affairs, AT&T, "Arbitration Objective: Viable Local Competition," undated overheads presented at NARUC summer meetings in Los Angeles, July 22, 1996.

TABLE 1
DEFINITIONS OF MEDIATION AND ARBITRATION AND GENERAL CONSIDERATIONS

State	Definition of Mediation	Definition of Arbitration	Filing of Preexisting Agreements	Notice of Negotiations
California	Process in which Commission assists negotiating parties to reach solution.	Submission of a dispute to a Commission arbitrator for a final decision.	I.N.A.*	I.N.A.
Ohio	A voluntary alternative dispute resolution where mediator has no power to impose resolution.	Alternative dispute resolution process in which parties present evidence to third party who renders recommended decision, which parties are required to accept subject to Commission approval.	I.N.A.	Local exchange carrier receiving request for negotiation must notify Commission in writing within five days.
Washington	I.N.A.	Not adjudicative proceedings under Washington law; subject to judicial review.	Commission may require in context of individual arbitrations.	Required.
Wisconsin	Process in which a neutral party assists the disputants in reaching their own settlement but does not have the authority to make a binding decision.	Investigatory process whereby a dispute is submitted to one or more impartial persons for decision, subject to Commission approval.	I.N.A.	Required.

* I.N.A. = Information not available.
Sources: See bottom of Table 8.

TABLE 2
MEDIATION PROCESS

State	Individual or Combined	Process	Who Pays	Outcomes
California	I.N.A.	May rely on experts retained by Commission or on staff; if reach impasse, mediator submits agreement and if rejected, parties provide specific reasons.	I.N.A.	Nondiscriminatory, in the public interest and consistent with QOS standards.
Nebraska	Can be combined if all negotiating parties agree.	Parties choose three acceptable mediators from Commission's list of five; Commission selects one; a staff member can be assigned to assist; Commission expects all parties to participate, once requested, on a good faith basis; notice of agreement published in the newspaper. Public has 15 days to comment.	Each party pays its own fees and costs; both parties split equally the expenses of the outside mediator.	Meets standards of the Act, consistent with the public interest and does not discriminate against a non-party.
New York	Combined.	Requests in writing with supporting documentation, specifying issues requiring mediation.	I.N.A.	I.N.A.
Ohio	Individual.	Negotiating party makes a written request to Commission: responding party may provide response within five days; Commission appoints mediator; agreement filed with Commission; interested parties may comment; responses to comments filed within ten days of comment filing; copies of agreement to all other parties requesting interconnection and all parties to carrier's alternative regulation case, if applicable.	I.N.A.	If mediation successful, formal written agreement.
Oregon	I.N.A.	I.N.A.	I.N.A.	If possible, negotiated interconnection agreement.
Texas	Individual.	I.N.A.	I.N.A.	I.N.A.
Washington	I.N.A.	I.N.A.	Each party pays it own fees.	I.N.A.
Wisconsin	I.N.A.	I.N.A.	Costs shared equally by all parties.	I.N.A.

Sources: See bottom of Table 8.

TABLE 3 PARTIES AND TREATMENT OF INFORMATION IN MEDIATION			
State	**Parties**	**Confidentiality**	**Information Requirements**
California	Parties to negotiation.	Entire process is confidential, except for terms of final mediated agreement; no stenographic record; neither mediator nor participants may introduce into arbitration or judicial proceeding information from process.	Written statement from each party summarizing dispute; parties may request documents from each other and must return without copying at end of process.
Nebraska	Negotiating parties, mediator and assigned staff member.	I.N.A.	I.N.A.
New York	I.N.A.	I.N.A.	Supporting documentation must be filed when requesting mediation and served on the other negotiating parties.
Ohio	Parties to negotiation.	All discussions are confidential and offers to compromise a disputed claim are inadmissable in subsequent proceeding.	Commission policy requires relevant cost and other pertinent information to be exchanged between parties; parties refusing to provide such information are presumed not to be negotiating in good faith.
Oregon	Only negotiating parties.	I.N.A.	I.N.A.
Virginia	I.N.A.	I.N.A.	Requests for mediation will be treated as an informal proceeding.
Washington	Parties only unless agree to presence of others.	Only parties attend sessions; process is confidential; no stenographic record.	Parties provide background information; mediator may request more.
Wisconsin	Assume parties only.	All information and records confidential, provided parties have entered into proprietary agreements and agreed to hold in camera proceedings.	I.N.A.

Sources: See bottom of Table 8.

TABLE 4
MEDIATOR CHOICE AND ROLE

State	Requirements	Type	Role
California	Upon receipt of request, qualified mediator will be appointed by Commission's President or designee in consultation with ALJ. Qualified mediator not defined.	I.N.A.	May request information and after consultation with parties, allow parties to exchange information; sets schedule, helps define issues; can request that there be no direct communications between parties; cannot impose settlement but can make oral and written recommendations.
Nebraska	Negotiating parties may choose own outside mediator; if request mediation from Commission, Commission will propose list of five acceptable mediators; each negotiating party will choose three and Commission will assign from those chosen.	Unbiased and qualified.	May terminate mediation if it appears likelihood of agreement remote or if a party does not appear to be negotiating in good faith.
New York	Assigned by Commission.	Trained neutrals.	Assist parties in reaching agreement.
Ohio	Will be appointed by Commission.	I.N.A.	Promptly contact parties and set time to commence mediation; impartially encourage voluntary settlement; may schedule meetings, direct parties to prepare, hold private caucuses with each party, request parties share information and if successful, assist in preparing written agreement.
Oregon	Parties may select mediator outside Commission but if request from Commission, mediator will be staff or ALJ; if Commission unable to provide from staff, will assist in selecting outside mediator.	Justification of use of staff or ALJ because have relevant training, experience and knowledge; will be selected based on workload and technical expertise.	I.N.A.

TABLE 4 MEDIATOR CHOICE AND ROLE			
State	**Requirements**	**Type**	**Role**
Texas	I.N.A.	Commission designee.	"Participate in negotiation and to mediate any difference arising in the course of negotiation."
Washington	"Professional" outside mediator and commission staff.	May use private mediator; if through Commission, co-mediator.	Regulates course of mediation; offers proposals for settlement; no legal advice; statements not binding on Commission, may meet individually with parties; may not participate in arbitration or approval process unless the parties consent; may terminate mediation if agreement unlikely.
Wisconsin	Staff or outside mediator.	Competent, impartial disinterested person of character and ability.	Schedule meetings, direct the preparation for those meetings, hold private caucuses with each party and if requested, aid in preparing written agreement; may also be appointed to act as arbitrators in process known as "med-arb."

Sources: See bottom of Table 8.

TABLE 5
ARBITRATION PROCESS

State	Individual or Combined	Process	Who Pays	Outcomes
California	Only individual.	Limited to resolution of issues raised by negotiating parties; may rely on outside experts or staff; expedited stenographic record made; parties may each file post-hearing brief with recommended agreement.	Costs of expedited stenographic record shared equally by parties.	Nondiscriminatory, in the public interest and consistent with QOS standards.
Illinois	Combined.	Petition for arbitration and response shall both be verified and accompanied by verified written statements of witnesses; prearbitration conference may be held on procedural and discovery issues; record transcribed; Hearing Examiner may order parties to file position brief; at close of hearing, Examiner prepares proposed decision with detailed explanation; parties may be requested to file exceptions to proposed decision; Commission may choose to hear oral argument from parties; Commission may reopen proceeding if public interest requires it.	Costs of preparing expedited transcripts are paid by the petitioner.	I.N.A.
Maryland	Combined.	Procedure to arbitrate specific issues of agreements as well as consider approval of specific agreements; prehearing to try for settlement of issues; hearings before commission conducted in legislative format where Commission can query comments of parties but parties may not cross-examine.	I.N.A.	I.N.A.

TABLE 5 ARBITRATION PROCESS				
State	**Individual or Combined**	**Process**	**Who Pays**	**Outcomes**
Michigan	Individual.	Petitioner for arbitration must file request with Commission and other party specifying issues, positions, and all information it plans to use; other party responds in kind; not patterned after contested case but designed to inform panel; no right to conduct discovery.	I.N.A.	Written decision on all contested issues with brief explanation; unless unreasonable or not in public interest, panel will limit its decision on each issue to the position of one of the parties; decision of panel by majority vote; parties have ten days to file objections.
Minnesota	Individual.	Intervention limited to Dept. of Public Service and AG; they and other participants must file written requests to intervene; participants have access to all written information submitted; ALJ may hold as many prehearing conferences as necessary to address procedural issues, such as identification and narrowing of issues, amendments to documents, limited number of witnesses and discovery; if material issues of fact in dispute, must be opportunity for cross-examination; staff allowed to attend all hearings and question witnesses.	I.N.A.	ALJ must issue proposed decision on all issues in proceeding; must provide a recommended schedule for implementation; must provide written rationale for each recommended resolution.
Nebraska	May be consolidated if all negotiating parties agree.	Similar to contested case but streamlined to meet requirement of Act; early conference to discuss procedure and receive initial proposals; following hearing, each party will submit its final offer; arbitrator may choose one of them or create third agreement.	Each party pays its own fees and costs and splits equally expense of outside arbitrator.	Meet requirements of Act, interconnection and network element prices consistent with Act; a schedule for implementation.

TABLE 5
ARBITRATION PROCESS

State	Individual or Combined	Process	Who Pays	Outcomes
New York	I.N.A.	Petitions for arbitration must be filed with Commission and negotiating parties on same day; incumbent local exchange carrier must serve petition on all other carriers requesting interconnection; those non-parties may file comment within 15 days; replies may be filed five days thereafter; arbitrator or panel of arbitrators will establish schedule.	I.N.A.	Arbitration recommendation.
Ohio	I.N.A.	Petitioner for arbitration files written request with commission containing negotiation history; prior to hearing, each party submits package containing issues, party's position, prefiled testimony, exhibits, and list of factual stipulations; parties may mutually agree to waive oral hearing; hearing conducted with prefiled testimony, transcription of the hearing and cross-examination of witnesses unless otherwise determined by panel; in consultation with parties, hearing shall be limited to four days; panel will permit discovery and basic cost information to support prices for interconnection should be exchanged.	I.N.A.	Resolution of unresolved issues through arbitration report. Exceptions and replies filed within eight days. Commission issues arbitration award.
Oregon	Individual.	"Will be conducted in a manner similar to a contested case proceeding but streamlined to meet the federal Act's time lines." Staff will monitor proceedings and advise ALJ and Commission; arbitrator will notify parties if intends to receive information from staff; parties may be present.	I.N.A.	Arbitration award consistent with FCC regulations, federal Act and Commission policies; implementation schedule.

TABLE 5 ARBITRATION PROCESS				
State	**Individual or Combined**	**Process**	**Who Pays**	**Outcomes**
Texas	I.N.A.	To initiate, must provide documentation of unresolved issues, position of parties, other issues discussed and resolved, notification to other party; nonpetitioning party may respond with additional information.	I.N.A.	I.N.A.
Virginia	I.N.A.	Both the petitioning and responding parties must file supporting documentation; failure to file supporting documentation may result in decisions adverse to the company failing to comply; either party may request hearing; both petitioning and responding parties also serve a notice of filing on all interested parties and commission staff; comments to petition, response and issues already resolved filed with all supporting documentation; if no request for hearing has been filed, interested parties may request hearing; if no request is made for a hearing, Commission may resolve issues without one; once Commission issues its decision, parties have deadline by which to present formalized agreement to Commission and interested parties.	I.N.A.	Commission decision resolving unresolved issues and setting deadline for parties to present formalized agreement to Commission.

TABLE 5
ARBITRATION PROCESS

State	Individual or Combined	Process	Who Pays	Outcomes
Washington	Commission may consolidate proceedings.	Filings of petitions and responses; discovery conference; procedural order.	Each party responsible for its own fees and costs.	Decision binding only on parties to the negotiation.
Wisconsin	Commission may consolidate proceedings.	Disputes about whether issue is subject to arbitration decided by panel; if issues remain uncertain, panel determines issues; if not material factual disputes, may decide issues without hearing, relying on written material; no party-to-party discovery permitted but each party can request panel to order another party to provide information; procedural rules listed.	All parties share equally.	Ex parte rules apply, written arbitration award signed by panel majority and sent to Commission, parties to arbitration and those on standing mailing list.

Sources: See bottom of Table 8.

TABLE 6
PARTIES AND TREATMENT OF INFORMATION IN ARBITRATION

State	Parties	Confidentiality	Information Requirements
California	Only negotiating parties.	Public permitted to attend arbitration hearings unless a party requests a closed hearing; arbitrator, in consultation with Commission, will issue a decision.	Request for arbitration must contain statement of unresolved issues, position of all parties on these issues, issues discussed and resolved, testimony supporting requester's position and documentation of time requirements.
Illinois	I.N.A.	Commission or Hearing Examiner may, on the motion of any person, enter an order to protect confidential information.	Both parties shall include relevant details about people who have discoverable information relevant to disputed issue; both parties shall include a copy or description of documents in their control relevant to issues; if party fails to comply with a discovery order, Examiner may strike the party's documents or refuse to allow the party to support claims.
Maryland	All parties requesting intervenor status as well as all parties requesting arbitration.	If parties make any claims of confidentiality, they must provide an explanation.	All parties must respond to data requests within ten days and such responses shall also include the data request on the same document.
Michigan	Only those parties to the negotiation.	I.N.A.	When requesting arbitration and responding to request, both parties must file all information upon which party intends to rely; no right to conduct discovery, but parties may request panel to order information from other party; questioning by panel.
Minnesota	Two negotiating parties and Department of Public Service and Attorney General.	Treated as provided in rules of practice; ALJ may enter order to further protect confidential information; others may take part at all hearings and prehearing conferences, file written comments and be granted opportunity for oral presentation, subject to confidentiality constraints of parties.	Parties and intervenors may serve discovery requests on other parties at any time; if response inadequate, party shall file written complaint with ALJ; ALJ can issue order to compel discovery, resolve the issue or treat as failure to negotiate in good faith. Burden of proof in all issues is on U S West.

TABLE 6
PARTIES AND TREATMENT OF INFORMATION IN ARBITRATION

State	Parties	Confidentiality	Information Requirements
Nebraska	Only negotiating parties have full party status but interested parties may submit written comments and offer oral statements at the arbitrator's discretion.	I.N.A.	Parties required to cooperate in good faith in voluntary, prompt and informal exchanges of relevant information. Arbitrator can order party to provide information. Extensive formal discovery only to extent deemed necessary by arbitrator.
New York	Negotiating parties.	I.N.A.	Petitions for arbitration must specify the matters to be arbitrated and include adequate documentation; if the subject of arbitration includes issues of fact, party or parties may submit proposed discovery and evidentiary hearing schedule.
Ohio	Unless consolidation of issues is permitted, only parties to negotiation permitted.	Request for arbitration includes relevant nonproprietary documents on unresolved issues; statement on information needed to resolve issues or information requested but not yet provided; response identifying information needed to resolve issues or fill prior request. If Commission determines information is proprietary, will be treated as confidential. Negotiating parties are expected to obtain appropriate protective orders from each other for exchange of proprietary information.	Panel is authorized to order any party to provide information deemed necessary to reach a decision and to establish deadline for providing the information. If any party refuses, panel may proceed on the basis of the best information available to it from whatever source derived.
Oregon	Only two negotiating parties.	I.N.A.	"Parties will be required to cooperate in good faith in voluntary, prompt and informal exchanges of information relevant to the matter."

TABLE 6 PARTIES AND TREATMENT OF INFORMATION IN ARBITRATION			
State	**Parties**	**Confidentiality**	**Information Requirements**
Texas	I.N.A.	I.N.A.	All relevant documentation re unresolved issues and position of each party and issues discussed and resolved.
Virginia	Negotiating parties and any other person or entity filing with the Commission.	I.N.A.	Petitioner, responder and commenter must file all supporting documentation when making any request; failure to provide documentation may result in adverse decisions.
Washington	Only parties to the negotiation; others on showing of compelling public interest; state A.G. on request and subject to limitations.	All material subject to Washington public disclosure law; parties may request standard protective orders.	I.N.A.
Wisconsin	Only parties to negotiation.	All materials confidential, provided parties have entered into proprietary agreements and hold in camera proceedings; no written transcript, use tape; any party may make transcript at own expense but must provide copy to panel and other party for copying cost.	Each party must submit issues statement.

Sources: See bottom of Table 8.

TABLE 7
ARBITRATOR CHOICE AND ROLE

State	Requirements	Type	Role
California	I.N.A.	I.N.A.	Scheduling, issue delineation, discovery process; authority same as ALJ when conducting hearings.
Illinois	Employee of the commission or a commissioner.	Hearing Examiner.	Conduct hearings and prehearings; direct parties to establish a date certain for service; conduct discovery; examine witnesses and allow parties to examine an adverse party; request witnesses and information at any stage of proceeding; issue protective orders; issue decisions; may with or without objection exclude irrelevant, immaterial or unduly repetitious material.
Maryland	Hearing Examiner will help parties clarify issues but Commission will conduct hearing.	Commission.	Hearing Examiner will facilitate parties in attempting to reach settlement, narrow scope of disputed issues.
Michigan	Panel consisting of two technical staff appointed by Director of Communications Division and one ALJ appointed by Director of ALJ Division.	Administrative Law Judge.	Appointed panel meets to decide process; ALJ chairs panel, issues communications to parties, rules on procedural matters.
Minnesota	Fact-finding expertise, experience in conducting arbitrations.	Administrative Law Judge.	Conduct hearings and prehearing conferences, impose time limits, limit number of witnesses, require witnesses or information to be produced, limit discovery, issue protective orders, issue a proposed decision.
Nebraska	Commission will use outside arbitrator; Commission will propose list of five acceptable arbitrators; each negotiating party will choose three and Commission will assign from those chosen.	Qualified and unbiased.	Determine extent of discovery; resolve discovery disputes; rule on reasonableness of request by parties for information and order parties to provide information if deemed necessary and not unduly burdensome; establish schedule, set procedures, determine if oral hearing helpful; choose between final offers or create third based on offers of other parties.

TABLE 7 ARBITRATOR CHOICE AND ROLE			
State	**Requirements**	**Type**	**Role**
New York	Commission will appoint arbitrator or panel of arbitrators.	I.N.A.	Establish a schedule to conclude arbitration consistent with the timetables of the Act.
Ohio	I.N.A.	Commission appoints arbitration panel, which may be made up of Commissioners.	I.N.A.
Oregon	If Commission requested to arbitrate, will use ALJ; parties may also choose own outside arbitrator.	Other than ALJ, not specified.	Can limit formal discovery process, resolve disputes, order parties to provide information, and receive other party's proposal; establish schedule for case and determine if oral hearing helpful; examine final offers and choose one; if offers not in compliance with Act, will make award that does meet those requirements.
Washington	May not be the mediator for same parties on same interconnection agreement.	Commission, single commissioner or commission employees.	I.N.A.
Wisconsin	Commission will appoint panel from its own staff, with or without advice of parties. Size and composition depend on nature of dispute.	I.N.A.	Arbitrators can request parties to mediate prior to arbitration process if impasse has not been reached; to decide the issues in dispute if parties cannot reach voluntary agreement.

Sources: See bottom of Table 8.

TABLE 8
COMMISSION APPROVAL PROCESS

State	Process	Participation	Who Pays	Confidentiality	Outcomes
California	Mediated and negotiated agreements shall itemize charges; any interested party may file comments, limited to standards for rejection set forth in R4.14; arbitrated agreements begin with Arbitrator's Report, containing summary of agreement, evidence and parties' positions; parties file entire agreement, public may file comments; Commission issues written decision; if rejects, makes clear deficiencies and modifications needed for acceptance.	After agreement filed, public may comment; scope of comments limited by requirements of federal Act, FCC regulations and Commission requirements.	I.N.A.	I.N.A.	I.N.A.
Illinois	Hearing Examiner has authority over this part and can conduct hearings, grant or deny petitions to intervene, conduct discovery, examine witnesses and request information, with responsibility of submitting matter to Commission for final decision; Hearing Examiner proposes decision, including conclusions and reasons for reaching them; Commission may hear oral arguments from the parties. Before issuance of final order, Hearing Examiner may seek additional written comments from parties.	Commission or Hearing Examiner.	I.N.A.	Commission or Hearing Examiner may, on motion of any person, enter order to protect confidential information.	I.N.A.

TABLE 8 COMMISSION APPROVAL PROCESS					
State	**Process**	**Participation**	**Who Pays**	**Confidentiality**	**Outcomes**
Maryland	Commission conducts hearing in legislative format.	All parties seeking arbitration or granted intervenor status.	I.N.A.	If parties wish material to be treated confidential, must provide written explanation.	I.N.A.
Michigan	After panel issues its decision, parties have ten days to file objections. After that time, Commission will issue its decision to accept or reject agreement.	Only parties.	I.N.A.	I.N.A.	I.N.A.
Minnesota	ALJ submits recommended decision; parties and participants may file exceptions and request oral argument with Commission within ten days of ALJ's decision.	Parties, intervenors, participants.	I.N.A.	Not addressed.	Interconnection agreement in compliance with federal Act.
Nebraska	Following public notice and written comments, Commission will hold an oral hearing to address grounds for rejection; if any part of agreement does not meet requirements, Commission may amend; Commission may limit testimony of any witness if it is repetitive or irrelevant; Commission does not interpret the nine-month time line to include approval process and will have 30 days to accept or reject agreement.	Negotiating parties and other interested parties.	I.N.A.	I.N.A.	I.N.A.

TABLE 8
COMMISSION APPROVAL PROCESS

State	Process	Participation	Who Pays	Confidentiality	Outcomes
New York	Petition filed with Commission and all active parties; incumbent LEC must serve petition on all other carriers requesting interconnection, services or network elements; interested parties may file comments; if agreement negotiated, replies may be filed; if arbitrated, no reply comments considered.	I.N.A.	I.N.A.	I.N.A.	Copy of the approved agreement will be made available within ten days of approval.
Ohio	Upon filing, parties and other interested persons may file comments and replies to comments within 15 day period. If parties are unable to agree, each shall file its version of agreement. Commission will approve or reject by order with written findings as to any deficiencies; if no order issued, agreement accepted as of 31st day.	Only negotiating parties unless consolidation of issues is permitted.	I.N.A.	If Commission determines information is proprietary, treated as confidential. Negotiating parties obtain appropriate protective orders from each other for exchange of proprietary information.	Interconnection agreement which meets requirements of Sections 251 and 252.
Oregon	Arbitration award filed with Commission and those who have indicated an interest in receiving notice of mediated and arbitrated agreements. Public may then file comments within a period of time established by the arbitrator.	After agreement filed, public may comment.	I.N.A.	I.N.A.	I.N.A.

TABLE 8 COMMISSION APPROVAL PROCESS					
State	**Process**	**Participation**	**Who Pays**	**Confidentiality**	**Outcomes**
Texas	Must file agreement with Secretary of Commission; Commission may adopt or reject any or all of agreement.	I.N.A.	I.N.A.	Once agreement approved, another CLEC wishing to interconnect can request a non-redacted version; subject to Commission-approved nondisclosure or protective agreement." Agreement also disclosed to staff, subject to protective agreement.	Preferred outcomes for interconnection agreements listed.
Virginia	Following Commission decision resolving disputed issues, negotiating parties submit formalized agreement and also serve copy on interested parties and Commission staff; within ten days interested parties may file comments with supporting documentation.	Negotiating parties and all interested parties.	I.N.A.	BOC must file statement of generally available terms and conditions, with supporting documentation.	I.N.A.
Washington	Request for approval filed; agreement must show which provisions negotiated and which arbitrated; statutory time lines do not apply until request properly filed; staff assigned to mediation will not review agreement.	Any party may comment, approval considered in public meeting.	Each party pays its own fees.	Proposed agreements not entitled to confidential treatment.	Preferred outcomes listed.

TABLE 8
COMMISSION APPROVAL PROCESS

State	Process	Participation	Who Pays	Confidentiality	Outcomes
Wisconsin	Agreement submitted with any written documents which add, delete, or modify provisions of agreement; any party may submit written documents requesting approval or rejection; all interested parties will be informed of Commission decision; if rejected, letter will state deficiencies; if amended, parties may resubmit within 30 days.	Any interested party may submit written comments.	I.N.A.	Proposed agreement not confidential.	I.N.A.

Sources:

California Public Utilities Commission, Proposed Interim Rules, *Interim Rules Governing Applications Pursuant to the Telecommunications Act of 1996.*

Illinois Commerce Commission, Title 83: Public Utilities, Chapter 1: Illinois CC, Subchapter f: Telephone Utilities.

Maryland Public Service Commission, Order No. 72824, August 12, 1996.U-11134, July 16, 1996.

Michigan Public Service Commission, Case No. U-11134, July 16, 1996.

Minnesota Public Utilities Commission, Docket No. P-3167, 421/M-96-729, July 19, 1996.

Nebraska Public Service Commission, Application No. C-1128, Progression Order 3, Draft, July 16, 1996.

New York Public Service Commission, Notice of Procedures for Implementing Sections 251 and 252 of the Telecommunications Act of 1996, June 14, 1996.

Ohio Public Utilities Commission, Case 96-463-TO-UNC, *Guidelines for Mediation and Arbitration.*

Oregon Public Utility Commission, *Policy on Mediation and Arbitration.*

Texas Public Utility Commission, Chapter 23 Substantive Rules, Paragraph 23.97.

Virginia State Corporation Commission, *Procedural Rules for Implementing §§ 251 and 252 of the Telecommunications Act of 1996,* Public Law No. 104-104.

Washington Utilities and Transportation Commission, "Interpretive and Policy Statement Regarding Negotiation, Mediation, Arbitration Approval of Agreements under the Telecommunications Act of 1996," Docket UT-960269, *Implementation of Certain Provisions of the Telecommunications Act of 1996,* June 27, 1996.

Wisconsin Public Service Commission, Docket No. 05-T1-140, *Interim Procedures for Negotiations, Mediation, Arbitration, and Approval of Agreements.* Adopted May 16, 1996.

TABLE 9
STATUS OF AGREEMENTS

State	Companies	Negotiations	Mediation	Arbitration	Commission Approval	Information Source
Alabama (BellSouth)	MCImetro	Completed				STRR 7/11/96
	Time Warner	Completed				STRR 7/11/96
	AT&T		Requested			STRR 6/27/96
	Hart Communications	Completed				TR 6/10/96
Alaska (Anchorage Telephone Utility)	AT&T/Alascom	In process				STRR 7/25/96
	GCI Communications Corp	In process				STRR 7/25/96
Arizona (U S West)	TCG Phoenix			Requested 7/29/96		Commission staff, 8/22/96
	American Comm. Services			Requested 8/14/96		Commission staff, 8/22/96
	ASCI			Requested 8/14/96		Commission staff, 8/22/96
	AT&T			Requested 7/29/96		Commission staff, 8/22/96
	AT&T and Contel of CA (Joint petition)			Requested 8/16/96		Commission staff, 8/22/96
	MFS Intelenet			Requested 6/27/96		Commission staff, 8/22/96
Arkansas (Southwestern Bell)						

TABLE 9
STATUS OF AGREEMENTS

State	Companies	Negotiations	Mediation	Arbitration	Commission Approval	Information Source
California (PacBell)	Teleport	Completed			Submitted 7/23/96	Commission staff, 8/19/96
	Teleport with GTE			Requested 8/1/96	pending	Commission staff, 8/19/96
	AT&T	Requested 3/14/96				AT&T presentation at NARUC Mtg, 7/96
Colorado (U S West)	Teleport			In process		STRR 7/25/96
	AT&T	Requested 3/01/96				AT&T presentation at NARUC Mtg, 7/96
Connecticut (SNET)	AT&T			Requested 8/9/96	Completion by 12/4/96	Commission staff, 8/21/96
	AT&T with New York Telephone			Requested 8/12/96	Completion by 12/4/96	Commission staff, 8/21/96
Delaware (Bell Atlantic)	AT&T			Requested		STRR 7/25/96
	Teleport			Requested		STRR 7/25/96
	AT&T			Requested		STRR 7/25/96
Florida (BellSouth)	MCImetro	Completed				STRR 7/11/96
	Time Warner	Completed				STRR 7/11/96
	MFS			Requested		NARUC Mtg, 7/18/96
	AT&T	Requested 3/04/96				AT&T presentation, NARUC Mtg, 7/96
	Hart Communications	Completed				TR 6/10/96

TABLE 9
STATUS OF AGREEMENTS

State	Companies	Negotiations	Mediation	Arbitration	Commission Approval	Information Source
Georgia (BellSouth)	MCImetro	Completed				STRR 7/11/96
	Time Warner	Completed				STRR 7/11/96
	US West cable TV with Bell South in Atlanta	Completed				TR 8/5/96
	AT&T	Requested 3/4/96				AT&T presentation, NARUC Mtg, 7/96
	TriComm, Inc.	Completed				TR 8/5/96
	MCImetro	Completed				TR 6/10/96
	Hart Communications	Completed				TR 6/10/96
Hawaii (GTE)						
Idaho (U S West)	AT&T	In process				STRR 6/27/96
Indiana (Ameritech)	Teleport			Requested		STRR 7/25/96
	MFS Communications	Completed				STRR 7/11/96
	Time Warner	Completed				TR 7/15/96
	AT&T			Requested		TR 8/5/96

TABLE 9
STATUS OF AGREEMENTS

State	Companies	Negotiations	Mediation	Arbitration	Commission Approval	Information Source
Illinois (Ameritech)	Teleport			Requested 7/16/96	Completion by 11/4/96	Commission staff, 8/20/96
	MFS Communications	Completed				STRR 7/11/96
	MFS Communications & Sprint			Requested 7/16/96	Completion by 11/4/96	Commission staff, 8/20/96
	Time Warner	Completed				TR 7/15/96
	Cellular One	Completed			Approved 6/26/96	Commission staff, 8/20/96
	MCI		Completed			Commission staff, 8/20/96
	AT&T and GTE				Completion by 12/12/96	Commission staff, 8/20/96
	Ameritech and AT&T		Ongoing	Requested 8/5/96	Completion by 11/22/96	Commission staff, 8/20/96
	AT&T and Ameritech		Ongoing	Requested 8/1/96	Completion by 11/22/96	Commission staff, 8/20/96
Iowa (U S West)	US Network	Requested 2/7/96				Commission staff, 8/19/96
	AT&T	Requested 3/1/96		Requested 7/26/96	Completion by 12/1/96	Commission staff, 8/19/96
	MCI (Consolidated with AT&T)	Requested 3/26/96		Requested 8/9/96	Completion by 12/1/96	Commission staff, 8/19/96
	AT&T with GTE	Requested 3/11/96		Requested 8/16/96	Completion by 12/11/96	Commission staff, 8/19/96

TABLE 9
STATUS OF AGREEMENTS

State	Companies	Negotiations	Mediation	Arbitration	Commission Approval	Information Source
Iowa (U S West)	POPP	Requested 3/18/96				Commission staff, 8/19/96
	Ameritech	Requested 3/25/96				Commission staff, 8/19/96
	MCI with GTE	Requested 4/3/96				Commission staff, 8/19/96
	First Tel	Requested 4/10/96				Commission staff, 8/19/96
	Sprint	Requested 4/15/96				Commission staff, 8/19/96
	Sprint with GTE	Requested 4/18/96				Commission staff, 8/19/96
	LCI	Requested 4/22/96				Commission staff, 8/19/96
	Preferred with GTE	Requested 5/21/96				Commission staff, 8/19/96
	LCI with GTE	Requested 3/4/96				Commission staff, 8/19/96
	Intermedia with GTE	Requested 7/12/96				Commission staff, 8/19/96
Kansas (Southwestern Bell)						
Kentucky (BellSouth)	Time Warner	Completed				STRR 7/11/96
	MCImetro	Completed				TR 6/10/96
	Hart Communications	Completed				TR 6/10/96

TABLE 9
STATUS OF AGREEMENTS

State	Companies	Negotiations	Mediation	Arbitration	Commission Approval	Information Source
Louisiana (BellSouth)	Time Warner	Completed				STRR 7/11/96
	American Metrocomm & Hart Communications	Completed				TR 7/22/96
	MCI Metro	Completed				TR 6/10/96
Maine (Nynex)	Freedom Ring			Requested 8/15/96	Completion by 1/7/97	Commission staff, 8/19/96
	AT&T			Requested 8/9/96	Completion by 1/4/97	Commission staff, 8/19/96
Maryland (Bell Atlantic)	Teleport			Requested		STRR 7/25/96
	AT&T			Requested		STRR 7/25/96
Massachusetts (Bell Atlantic)	Teleport			Requested		STRR 7/25/96
Michigan (Ameritech)	Teleport			Requested		STRR 7/25/96
	MCI		In process			MI News Release, 7/16/96
	MFS Communications	Completed				STRR 7/11/96
	AT&T			Requested		TR 8/5/96
Minnesota (U S West)	MFS Communications			In process		STRR 7/25/96

TABLE 9
STATUS OF AGREEMENTS

State	Companies	Negotiations	Mediation	Arbitration	Commission Approval	Information Source
Mississippi (BellSouth)	Time Warner	Completed			Completion by 9/17/96	Commission staff, 8/22/96
	MCI	Requested 3/26/96				Commission staff, 8/22/96
	Brooks Fiber	Requested 3/29/96				Commission staff, 8/22/96
	AT&T	Requested 6/10/96				Commission staff, 8/22/96
	Teleport Communications	Requested 3/8/96		Passed 160 day deadline		Commission staff, 8/22/96
	Sprint	Requested 3/11/96		Passed 160 day deadline		Commission staff, 8/22/96
	LDDS	Requested 2/8/96		Passed 160 day deadline		Commission staff, 8/22/96
	ACSI	Requested 3/6/96		Requested		Commission staff, 8/22/96
	GTE Mobilenet	Requested 5/31/96				Commission staff, 8/22/96
	Intelc. Group	Requested 2/23/96		Passed160 day deadline		Commission staff, 8/22/96
	LCI International	Requested 4/4/96				Commission staff, 8/22/96
	Intermedia Com.	Requested 2/8/96, completed			Filed 7/15/96, Completion by 10/14/96	Commission staff, 8/22/96

TABLE 9
STATUS OF AGREEMENTS

State	Companies	Negotiations	Mediation	Arbitration	Commission Approval	Information Source
Mississippi (BellSouth)	US Network	Requested 2/28/96		Passed160 day deadline		Commission staff, 8/22/96
	MCI Metro and Hart Communications	Completed				TR 6/10/96
Missouri (Southwestern Bell)	Teleport			In process		STRR 7/25/96
	Time Warner	Completed				TR 8/5/96
	AT&T			Requested		TR 8/5/96
Montana (U S West)	AT&T	In process				STRR 6/27/96
Nebraska (U S West)	Teleport			Requested		Commission staff, 8/15/96
	AT&T			Requested		Commission staff, 8/15/96
	AT&T with GTE			Requested		Commission staff, 8/15/96
Nevada (PacTel)						
New Hampshire (Nynex)	AT&T			Requested 8/9/96		Commission staff, 8/16/96
	Fredom Ring			Requested 8/15/96		Commission staff, 8/16/96
New Jersey (Bell Atlantic)	Teleport			Requested		STRR 7/25/96
	AT&T			Requested		STRR 7/25/96

TABLE 9
STATUS OF AGREEMENTS

State	Companies	Negotiations	Mediation	Arbitration	Commission Approval	Information Source
New Mexico (U S West)	AT&T	In process				Commission staff, 8/21/96
	ACSI			Requested 8/13/96		Commission staff, 8/21/96
	Brooks	In process				Commission staff, 8/21/96
	MCI	In process				Commission staff, 8/21/96
	Sprint	In process				Commission staff, 8/21/96
	GST	In process				Commission staff, 8/21/96
	Citizens	In process		Passed 160 day deadline		Commission staff, 8/21/96
	US Network	In process		Passed 160 day deadline		Commission staff, 8/21/96
New York (Nynex)	Teleport			Requested		STRR 7/25/96
	MFS (NYNEX)	Completed			Submitted	Commission staff, 7/24/96,
	Frontier (Rochester)	Completed			Submitted	Commission staff, 7/24/96
	Frontier	Completed				TR 7/15/96
	USN	Completed			Submitted	Commission staff, 7/24/96,

TABLE 9
STATUS OF AGREEMENTS

State	Companies	Negotiations	Mediation	Arbitration	Commission Approval	Information Source
North Carolina (BellSouth)	MCImetro	Completed				STRR 7/11/96
	Time Warner	Completed				STRR 7/11/96
	Hart Communications	Completed				TR 6/10/96
North Dakota (U S West)	AT&T	Requested 6/20/96			Completion by 4/15/97	Commission staff, 8/15/96
Ohio (Ameritech)	Teleport			Requested		Commission staff, 8/20/96
	Time Warner	bilater agree-ments being negotiated				Commission staff, 8/20/96
	Time Warner			pre-act ADR	8/1/96, 2 yrs	Commission staff, 8/20/96
	MCI Metro (pre-act)	Completed			8/1/96	Commission staff, 8/20/96
	MCI Metro (post-act)		Requested			Commission staff, 8/20/96
	ICG	Completed			Under review	Commission staff, 8/20/96
	USN	Completed			Under review	Commission staff, 8/20/96
	LCI	In process				Commission staff, 8/20/96
	Scherers	In process				Commission staff, 8/20/96
	Brooks Fiber	Completed			Under review	Commission staff, 8/20/96

TABLE 9
STATUS OF AGREEMENTS

State	Companies	Negotiations	Mediation	Arbitration	Commission Approval	Information Source
Ohio (Ameritech)	Comm Buying Group	Completed			Under review	Commission staff, 8/20/96
	Sprint	In process				Commission staff, 8/20/96
	MFS Communications	Completed			Under Review	Commission staff, 8/20/96
	Intermedia with GTE	In process				Commission staff, 8/20/96
	AT&T			Requested		Commission staff, 8/20/96
	Time Warner with GTE	Completed (terminating traffic only)			Under review	Commission staff, 8/20/96
	MCI Metro with GTE	In process				Commission staff, 8/20/96
	AT&T with GTE	In proces		In process		Commission staff, 8/20/96
	LCI with GTE	In process				Commission staff, 8/20/96
	Preferred Carrier Service with GTE	In process				Commission staff, 8/20/96
	Sprint with GTE	In process				Commission staff, 8/20/96
	Next Link with GTE	In process				Commission staff, 8/20/96
	Time Warner with United	Completed (for termina-ting traffic only)			Under review	Commission staff, 8/20/96

TABLE 9
STATUS OF AGREEMENTS

State	Companies	Negotiations	Mediation	Arbitration	Commission Approval	Information Source
Oklahoma (Southwestern Bell)	AT&T	Requested 3/14/96				AT&T presentation, NARUC Mtg, 7/96
Oregon (U S West)	TCG Oregon			In process	Completion by 1/15/97	Commission staff, 8/22/96
	TCG Oregon with GTE			Requested	Completion by 1/2/97	Commission staff, 8/22/96
	MFS	Requested 2/8/96		Hearing set 9/24	Completion by 11/4/96	Commission staff, 8/22/96
	AT&T	Requested 3/7/96			Completion by 1/2/97	Commission staff, 8/22/96
	AT&T with GTE	Requested 3/12/96			Completion by 1/8/97	Commission staff, 8/22/96
	MCI Metro	Requested 3/26/96			Completion by 1/22/97	Commission staff, 8/22/96
Pennsylvania (Bell Atlantic)	Teleport			Requested		STRR 7/25/96
	AT&T			Requested		STRR 7/25/96
	AT&T with GTE			Requested 8/18/96		Commission staff, 8/23/96
	MSF			Requested on limited issues		Commission staff, 8/23/96
	Teleport with GTE			Requested		TR 8/5/96

TABLE 9
STATUS OF AGREEMENTS

State	Companies	Negotiations	Mediation	Arbitration	Commission Approval	Information Source
Rhode Island (Nynex)	AT&T	In process		Requested	Completion by 11/9/96	Commission staff, 8/15/96
	Brooks Fiber Telecommunica-tions	In process		Requested	Completion by 11/16/96	Commission staff, 8/15/96
	Teleport	In process		Requested	Completion by 11/8/96	Commission staff, 8/15/96
South Carolina (BellSouth)	Time Warner	Completed				STRR 7/11/96
	MCImetro and Hart Communications	Completed				TR 6/10/96
South Dakota (U S West)	AT&T	Begun				STRR 6/27/96
Tennessee (BellSouth)	MCImetro	Completed				STRR 7/11/96
	Time Warner	Completed				STRR 7/11/96
	Hart Communicatins	Completed				TR 61/0/96
Texas (Southwestern Bell)	Teleport			In process		STRR 7/25/96
	Time Warner	Completed			Submitted	STRR 7/25/96
	Texas Comm South	Completed			Submitted	STRR 8/8/96
	AT&T	Requested 3/14/96				AT&T presenta-tion, NARUC Mtg, 7/96
	Teleport with GTE			Requested		TR 8/5/96
	MFS with GTE and Sprint			Requested		Telephony 7/22/96

TABLE 9
STATUS OF AGREEMENTS

State	Companies	Negotiations	Mediation	Arbitration	Commission Approval	Information Source
Utah (U S West)	Teleport			In process		STRR 7/25/96
Vermont (Nynex)	AT&T	Requested 3/01/96				AT&T presentation, NARUC Mtg, 7/96
Virginia (Bell Atlantic)	Teleport			Requested		STRR 7/25/96
	AT&T			Requested		STRR 7/25/96
	Jones Intercable	Completed				STRR 7/11/96
	Teleport with GTE			Requested		TR 8/5/96
	MFS with GTE & Sprint			Requested		Telephony 7/22/96
Washington (U S West)	Teleport			In process		STRR 7/25/96
	MCImetro			Requested		Commission staff, 8/12/96
	TCG			Requested		Commission staff, 8/12/96
	MFS			Requested		Rebecca Beaton, 8/12/96, phone
	AT&T			Requested		TR 8/5/96
	Teleport with GTE			Requested		TR 8/5/96
West Virginia (Bell Atlantic)	AT&T			Requested		STRR 7/25/96

TABLE 9
STATUS OF AGREEMENTS

State	Companies	Negotiations	Mediation	Arbitration	Commission Approval	Information Source
Wisconsin (Ameritech)	Teleport			Requested		STRR 7/25/96
	MFS Communications	Completed				STRR 7/11/96
	Time Warner	Completed				TR 7/15/96
	AT&T		Requested			STRR 6/27/96
	MCI		Requested			STRR 6/27/96
Wyoming (U S West)	AT&T	In process				STRR 6/27/96

Source Key

STRR State Telephone Regulation Report, Telecom Publishing Group, Alexandria, VA.
TR Telecommunications Reports, BPR Publications, Washington, D.C.

Designation of Regional Bell Holding Company or Incumbent Local Carrier

The Regional Bell Holding Company to which the state Bell Operating Company belongs is shown in the "state" column. Where the incumbent local carrier is not a Bell Operating Company as in Connecticut and Alaska, the name of the major incumbent local exchange carrier is shown in the "state" column. The carrier with which the listed companies have agreements is the carrier listed in the "state" column, unless otherwise noted in the "companies" column.

Date in Commission Approval Column

In the column "Commission Approval," if a date is listed for completion, it is the date calculated by commission staff to be the date by which the commission is expected to accept or reject the negotiated agreement.