

CHAPTER 21. INTERCONNECTION AGREEMENTS FOR TELECOMMUNICATIONS SERVICE PROVIDERS

Subchapter A. GENERAL PROVISIONS AND DEFINITIONS.

§21.3. Definitions.

The following terms, when used in this chapter, shall have the following meanings, unless the context or specific language of a section clearly indicates otherwise:

- (1) **Administrative review** — Process under which an application may be approved without a formal hearing.
- (2) **Affected person** — The definition of affected person is that definition given in the Public Utility Regulatory Act, §11.003(1).
- (3) **Application** — A written application, petition, complaint, notice of intent, appeal, or other pleading that initiates a proceeding.
- (4) **Arbitration** — A form of dispute resolution in which each party presents its position on any unresolved issues to an impartial third person(s) who renders a decision on the basis of the information and arguments submitted.
- (5) **Arbitration hearing** — The hearing conducted by an arbitrator to resolve any issue submitted to the arbitrator. An arbitration hearing is not a contested case under the Administrative Procedure Act, Texas Government Code §§2001.001, et. seq.
- (6) **Arbitration team** — Employees of the commission assigned to serve as arbitrators in a dispute resolution proceeding. One or more members of the arbitration team may serve as the presiding officer(s) of a dispute resolution proceeding. The Arbitration team does not include commission employees specifically assigned to advise commissioners.
- (7) **Arbitrator** — The commission, any commissioner, or any commission employee selected to serve as the presiding officer in a compulsory arbitration hearing.
- (8) **Authorized representative** — A person who enters an appearance on behalf of a party, or on behalf of a person seeking to be a party or otherwise to participate, in a proceeding. The appearance may be entered in person or by subscribing the representative's name upon any pleading filed on behalf of the party or person seeking to be a party or otherwise to participate in the proceeding. The authorized representative shall be considered to remain a representative of record unless a statement or pleading to the contrary is filed or stated in the record.
- (9) **Commission** — The Public Utility Commission of Texas.
- (10) **Commissioner** — One of the members of the Public Utility Commission of Texas.
- (11) **Complainant** — A person who files a complaint intended to initiate a dispute resolution proceeding.
- (12) **Compulsory arbitration** — The arbitration proceeding conducted by the commission or its designated arbitrator pursuant to the commission's authority under FTA §252.
- (13) **Contested case** — A proceeding, including a ratemaking or licensing proceeding, in which the legal rights, duties, or privileges of a party are to be determined by a state agency after an opportunity for adjudicative hearing.
- (14) **Control number** — Number assigned by the commission's Central Records to a docket, project, or tariff.
- (15) **Days** — Calendar days, not working days, unless otherwise specified by this chapter or the commission's substantive rules.
- (16) **Decision Point List (DPL)** — A matrix established before the submittal of testimony that includes the specific issues to be decided in a dispute resolution proceeding.
- (17) **Dispute resolution proceeding** — A proceeding conducted by a presiding officer or commission employee in accordance with this chapter. A dispute resolution proceeding is not a contested case subject to the Administrative Procedure Act, Texas Government Code §§2001.001, et. seq. A dispute resolution proceeding may include formal or informal proceedings.
- (18) **Docket** — A proceeding under this chapter.
- (19) **FTA** — The federal Telecommunications Act of 1996, Public Law Number 104-104, 110 Stat. 56 (1996), (codified at 47 U.S.C. §§151 et seq.).

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§21.3 continued

- (20) **Hearing** — Any proceeding at which evidence is taken on the merits of the matters at issue, not including prehearing conferences.
- (21) **Informal settlement conference** — One or more optional, informal meetings between parties to an interconnection agreement and commission staff in which commission staff assist the parties to reach settlement as to all or some of the disputed issues.
- (22) **Mediation** — A voluntary dispute resolution process in which a neutral third party, including, but not limited to, a member of the commission staff, assists the parties in reaching agreement. The mediator does not have the authority to impose a resolution.
- (23) **Party** — A party to negotiations under Subchapter D Dispute Resolution or a party to an agreement under Subchapter E Post-Interconnection Dispute Resolution.
- (24) **Person** — An individual, partnership, corporation, association, governmental subdivision, entity, or public or private organization.
- (25) **Petition** — A written document complying with §21.33 of this title (relating to Formal Requisites of Pleadings and Documents to be Filed with the Commission) intended to initiate a dispute resolution proceeding with the commission.
- (26) **Petitioner** — A person who files a petition intended to initiate a dispute resolution proceeding with the commission.
- (27) **Pleading** — A written document submitted by a party, or a person seeking to participate in a proceeding, setting forth allegations of fact, claims, requests for relief, legal argument, and/or other matters relating to a proceeding.
- (28) **Prehearing conference** — Any conference or meeting of the parties, prior to the hearing on the merits, on the record and presided over by the presiding officer.
- (29) **Presiding officer** — The commission, any commissioner, any hearings examiner or administrative law judge, or arbitrator presiding over a proceeding or any portion thereof.
- (30) **Proceeding** — Any hearing, investigation, inquiry or other fact-finding or decision-making procedure, including the denial of relief or the dismissal of a complaint, conducted by the commission.
- (31) **Project** — A rulemaking or other proceeding that is not a docket or a tariff.
- (32) **PURA** — The Public Utility Regulatory Act, Texas Utilities Code, Title 2, as it may be amended from time to time.
- (33) **Respondent** — A person against whom a petition has been filed.
- (34) **Working day** — A day on which the commission is open for the conduct of business.