

PROJECT NO. 25599

RULEMAKING TO EXAMINE	§	PUBLIC UTILITY COMMISSION
PROCEDURAL RULES RELATING TO	§	
THE FORMAL AND INFORMAL	§	
RESOLUTION OF DISPUTES	§	OF TEXAS
INVOLVING TELECOMMUNICATIONS	§	
PROVIDERS	§	

**PROPOSAL FOR PUBLICATION OF THE REPEAL OF CHAPTER 22,
SUBCHAPTERS P, Q, AND R, AS APPROVED AT THE
SEPTEMBER 18, 2003 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes the repeal of Chapter 22, Subchapter P relating to Dispute Resolution, Subchapter Q relating to Post-Interconnection Agreement Dispute Resolution, and Subchapter R relating to Approval of Amendments to Existing Interconnection Agreements and Agreements Adopting Terms and Conditions Pursuant to FTA96 §252(i). Chapter 21 will replace the rules that currently exist in subchapters P, Q, and R. The commission is simultaneously proposing under separate publication in this issue of the *Texas Register*, new Chapter 21, Interconnection Agreements for Telecommunications Service Providers. Project Number 25599 is assigned to these proceedings.

The following sections are proposed for repeal: In Subchapter P—§22.301, Purpose; §22.303, Mediation; §22.304, Voluntary Alternative Dispute Resolution; §22.305, Compulsory Arbitration; §22.306, Confidential Information; §22.307, Subsequent Proceedings; §22.308, Approval of Negotiated Agreements; §22.309, Approval of Arbitrated Agreements; and §22.310, Consolidation; in Subchapter Q—§22.321, Purpose; §22.322, Definitions; §22.323, Filing of Agreement; §22.324, Confidential Information; §22.325, Informal Settlement Conference; §22.326, Formal Dispute Resolution Proceeding; §22.327, Request for Expedited Ruling; and

§22.328, Request for Interim Ruling Pending Dispute Resolution; in Subchapter R—§22.341, Approval of Amendments to Existing Interconnection Agreements; and §22.342, Approval of Agreements Adopting Terms and Conditions Pursuant to Federal Telecommunications Act of 1996 (FTA96) §252(i).

The commission has proposed new Chapter 21 for the more efficient processing of interconnection agreement proceedings to better meet the needs of parties and the commission and to codify commission practice and policy regarding interconnection agreement disputes, mediations, and arbitrations. Therefore, the rules in subchapters P, Q, and R are no longer necessary.

Diane Parker, Arbitration Project Manager, Policy Development Division, has determined that for each year of the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Ms. Parker has determined that for each year of the first five years the proposed repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be the elimination of rules no longer needed. There will be no effect on small businesses or micro-businesses as a result of enforcing these repeals. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Ms. Parker has also determined that for each year of the first five years the proposed repeals are in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under the Administrative Procedure Act, Texas Government Code, §2001.022.

The commission staff will conduct a public hearing on this rulemaking under Texas Government Code §2001.029 at the commission's offices, located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, on Monday, December 8, 2003 at 9:30 a.m. in the Commissioners' Hearing Room located on the 7th floor.

Comments on the proposed repeals (16 copies) may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 30 days after publication. Reply comments may be submitted within 45 days after publication. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed repeals. The commission will consider the costs and benefits in deciding whether to adopt the repeals. All comments should refer to Project Number 25599.

These repeals are proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 and §14.052 (Vernon 1998, Supplement 2003) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, including rules of practice and procedure.

Cross Reference to Statutes: Public Utility Regulatory Act: §14.002, §14.052, and the Federal Telecommunications Act of 1996, 47 U.S.C. §151, *et. seq.*

- §22.301. Purpose.
- §22.303. Mediation.
- §22.304. Voluntary Alternative Dispute Resolution.
- §22.305. Compulsory Arbitration.
- §22.306. Confidential Information.
- §22.307. Subsequent Proceedings.
- §22.308. Approval of Negotiated Agreements.
- §22.309. Approval of Arbitrated Agreements.
- §22.310. Consolidation.
- §22.321. Purpose.
- §22.322. Definitions.
- §22.323. Filing of Agreement.
- §22.324. Confidential Information.
- §22.325. Informal Settlement Conference.
- §22.326. Formal Dispute Resolution Proceeding.
- §22.327. Request for Expedited Ruling.
- §22.328. Request for Interim Ruling Pending Dispute Resolution.
- §22.341. Approval of Amendments to Existing Interconnection Agreements.

§22.342. Approval of Agreements Adopting Terms and Conditions Pursuant to Federal Telecommunications Act of 1996 (FTA96) §252(i).

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 23rd DAY OF SEPTEMBER 2003 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
RHONDA G. DEMPSEY**