

CHAPTER 21. INTERCONNECTION AGREEMENTS FOR TELECOMMUNICATIONS SERVICE PROVIDERS

Subchapter C. PRELIMINARY ISSUES, ORDERS, AND PROCEEDINGS.

§21.75. Motions for Clarification and Motions for Reconsideration.

- (a) **Motions for clarification.** This subsection only applies to motions for clarification of Arbitration Awards. Motions for clarification of an Arbitration Award may be made to the presiding officer requesting that an ambiguity be clarified or an error, other than an error of law, be corrected.
- (1) **Procedure.** A motion for clarification shall be filed within ten working days of the issuance of the presiding officer's decision or order. The motion for clarification shall be served on all parties by hand delivery, facsimile transmission, or by overnight courier delivery. Responses to a motion for clarification shall be filed within five working days of the filing of the motion.
 - (2) **Content.** A motion for clarification shall specify the alleged ambiguity or error and, as appropriate, include proposed contract language that corrects the alleged ambiguity or error.
 - (3) **Denial or granting of motion.** The presiding officer shall grant or deny the motion within ten working days of the filing of the motion. If the motion is granted, the presiding officer shall issue a decision within 15 working days of the filing of the motion.
- (b) **Motions for reconsideration.** Motions for rehearing, appeals, or motions for reconsideration shall be styled "Motion for Reconsideration" and shall be made directly to the commission. For purposes of dispute resolution and approval proceedings the terms "appeal," "motion for rehearing," and "motion for reconsideration" are interchangeable.
- (1) **Limitations.**
 - (A) Only parties to the negotiation in a compulsory arbitration pursuant to §21.95 of this title (relating to Compulsory Arbitration) may file motions for reconsideration.
 - (B) In a proceeding pursuant to §21.97 of this title (relating to Approval of Negotiated Agreements), only parties to the negotiated agreement may file motions for reconsideration. Issues subject to motions for reconsideration are limited to modifications made to the agreement.
 - (C) In a proceeding pursuant to §21.99 of this title (relating to Approval of Arbitrated Agreements), only parties to the arbitrated agreement may file motions for reconsideration.
 - (D) In a proceeding pursuant to §21.125 of this title (relating to Formal Dispute Resolution Proceeding), only parties to the agreement may file motions for reconsideration. Issues subject to motions for reconsideration are limited to interpretations of and modifications made to the negotiated agreement.
 - (E) In a proceeding pursuant to §21.101 of this title (relating to Approval of Amendments to Existing Interconnection Agreements), only parties to the amended agreement may file motions for reconsideration. Issues subject to motions for reconsideration are limited to amendments or modifications made to the agreement.
 - (F) In a proceeding pursuant to §21.105 of this title (relating to Approval of Agreements Adopting Terms and Conditions of T2A), only parties to the agreement may file motions for reconsideration. Issues subject to motions for reconsideration are limited to non-T2A portions of the agreement.
 - (G) Any motions for reconsideration not filed by parties will be considered as comment filed by an interested party.
 - (2) **Procedure.** A motion for reconsideration shall be filed within 20 days of the issuance of the order under consideration. The motion for reconsideration shall be served on all parties by hand delivery, facsimile transmission, or by overnight courier delivery. Responses to a motion for reconsideration shall be filed within ten days of the filing of the motion.
 - (3) **Content.** A motion for reconsideration shall specify the reasons why the order is unjustified or improper. If the moving party objects to contract language recommended by the presiding officer, then the motion shall contain alternative contract language along with an explanation of why the alternative language is appropriate.

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§21.75(b) continued

- (4) **Agenda ballot.** Upon filing a motion for reconsideration, the Policy Development Division shall send separate ballots to each Commissioner to determine whether the motion will be considered at an open meeting. The Policy Development Division shall notify the parties by facsimile and electronic mail whether any Commissioner by individual ballot has added the motion to an open meeting agenda, but will not identify the requesting Commissioner(s).
- (5) **Denial or granting of motion.**
 - (A) The motion is deemed denied if, after five working days of the filing of a motion, no Commissioner by separate agenda ballot has placed the motion on the agenda for an open meeting. In such event, the Policy Development Division shall so notify the parties by facsimile and electronic mail.
 - (B) If a Commissioner does ballot in favor of considering the motion, it shall be placed on the agenda for the next regularly scheduled open meeting or such other meeting as the Commissioner may direct by the agenda ballot. In the event two or more Commissioners vote to consider the motion, but differ as to the date the motion shall be heard, the motion shall be placed on the latest of the dates specified by the ballots.