

CHAPTER 21. INTERCONNECTION AGREEMENTS FOR TELECOMMUNICATIONS SERVICE PROVIDERS

Subchapter D. DISPUTE RESOLUTION.

§21.91. Mediation.

- (a) **Request for mediation.** Any party negotiating a request for interconnection, services, or network elements under the Federal Telecommunications Act of 1996 (FTA) §251 may request, in writing, at any time, that the commission assist the parties by mediating any differences that have arisen in the negotiations. The request shall identify the parties involved in the negotiations, the potential issues for which mediation may be needed and, if possible, an estimate of the time period during which mediation will be pursued.
- (b) **Mediator.** Upon receipt of a request for mediation, the commission shall notify the parties of the commission employee who is assigned to serve as a mediator. The commission employee assigned to serve as a mediator may not participate in arbitration or review and approval proceedings initiated under this chapter. The mediator will work with the parties to establish an appropriate schedule and procedure for mediating any disputes. The mediator's role is limited to assisting the parties in attempting to reach an agreed resolution of the issues.
- (c) **Procedure.** Mediation proceedings shall not be transcribed and only parties to the negotiation may participate in the mediation proceeding.
- (d) **Mediation and formal dispute resolution.** In the event a party negotiating a request for interconnection, services, or network elements under FTA has requested both formal dispute resolution and mediation, and the responding party has agreed to mediation, the mediation will precede formal dispute resolution and any procedural deadlines applicable to formal dispute resolution are tolled for the duration of the mediation proceedings, including time needed for commission approval of a mediated agreement. To the extent parties do not successfully mediate all matters at issue, the formal dispute resolution proceeding shall not be reinitiated until the parties jointly file an update of unresolved issues and a revised procedural schedule.