

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Southwestern Bell Telephone Company d/b/a )  
AT&T Missouri's Petition for Compulsory Arbitration of )  
Unresolved Issues for an Interconnection Agreement with )  
Global Crossing Local Services, Inc. and )  
Global Crossing Telemanagement Inc. )

**File No. IO-2011-0057**

## NOTICE OF ARBITRATOR'S ADVISORY STAFF AND ORDER SETTING INITIAL ARBITRATION MEETING

Issue Date: September 3, 2010

Effective Date: September 3, 2010

The arbitrator is giving notice of the arbitrator's advisory staff, setting the initial arbitration meeting, and setting forth related scheduling matters. Southwestern Bell Telephone Company d/b/a AT&T Missouri ("AT&T") filed the petition for arbitration ("petition") on August 27, 2010. That date marked the start of the arbitration procedure,<sup>1</sup> the discovery process,<sup>2</sup> and the running of time limitations set by law.<sup>3</sup>

### A. Initial Arbitration Meeting

The regulation requires the arbitrator to convene an initial arbitration meeting.<sup>4</sup>

The arbitrator will schedule the initial arbitration meeting for one week from the issuance of this order. The arbitrator is aware that the response to the petition is not due until "25 days after the [Commission] receives the petition [,]"<sup>5</sup> but that period is not subject

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<sup>1</sup> Section 386.230, RSMo 2000; 4 CSR 240-36.040(2).

<sup>2</sup> 4 CSR 240-36.040(6).

<sup>3</sup> 47 USC Section 252; 4 CSR 240-36.040 ("the regulation").

<sup>4</sup> 4 CSR 240-36.040(5)(A).

<sup>5</sup> 4 CSR 240-36.040(7); 47 USC Section 252(b)(3).

to the Commission's adjustment.<sup>6</sup> Also, no provision of law requires the arbitrator to delay the initial arbitration meeting until the filing of the response.<sup>7</sup>

The subject of the initial meeting may include:

- setting a procedural schedule,
- allowing the filing of testimony,
- setting times by which testimony may be filed,
- simplifying issues, or
- resolving the scope and timing of discovery.<sup>8</sup>

The subject of the initial meeting must include:

- time limits for submission of final offers, and
- time limits for submission of subsequent final offers,<sup>9</sup>

Those mandatory issues require consideration of the following related scheduling matters.

## **B. Related Scheduling Matters**

The date for submission of subsequent final offers must be before any evidentiary hearing start date.<sup>10</sup> The evidentiary hearing start date also sets the latest possible evidentiary end date.<sup>11</sup> The evidentiary hearing end date sets the seven-day briefing period end date, and the 15-day due date for filing the draft report. The draft report filing date sets

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<sup>6</sup> U.S. Const., Art. VI, Section 2.

<sup>7</sup> Unlike a mark-up conference. 4 CSR 240-36.040(10).

<sup>8</sup> 4 CSR 240-36.040(9).

<sup>9</sup> 4 CSR 240-36.040(5).

<sup>10</sup> *Id.*

<sup>11</sup> 4 CSR 240-36.040(13).

the ten-day comment period. The close of the comment period sets the 15-day due date for the final report.

The filing date of the final report must be not more than 220 days after respondents received the request for negotiation.<sup>12</sup> Assuming that respondents received the request for negotiation on March 31, 2010, as the petition alleges, the 220<sup>th</sup> day is November 6, 2010, a Saturday. The next following day that is not Saturday or Sunday is Monday, November 8, 2010.

Like the filing date for the final report, the time for the Commission's decision began running before this action commenced. That is because Congress set the Commission's deadline at "9 months after the date on which [respondents] received the request [for negotiation<sup>13</sup>]" of the matters subject to arbitration, which the Commission interprets as 270 days.<sup>14</sup> Using March 31, 2010, as day zero, the 270<sup>th</sup> day is December 26, 2010, a Sunday.

But the Commission regularly schedules its agenda meetings on Wednesdays, so the Commission anticipates making its decision no later than Wednesday, December 22, 2010.

The parties shall be prepared to discuss such timing matters at the initial arbitration meeting. The regulation gives the arbitrator limited discretion to depart from time limitations that the Commission sets.<sup>15</sup> But the regulation expressly requires the Commission to observe the time limitations that Congress sets.<sup>16</sup>

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<sup>12</sup> 4 CSR 240-36.040(21).

<sup>13</sup> 47 USC Section 252 (4)(c).

<sup>14</sup> 4 CSR 240-36.040(24).

<sup>15</sup> 4 CSR 240-36.040(15).

<sup>16</sup> *Id.*

### **C. Arbitrator's Advisory Staff**

The arbitrator has assigned the following members of the Commission's staff ("Staff") and Staff Counsel's Office to the arbitrator's advisory staff:

- Colleen M. Dale.
- Myron Couch.
- William Voight.

The arbitrator may assign another Staff member to that list.

### **THE COMMISSION ORDERS THAT:**

1. The arbitrator will convene the initial arbitration meeting at 10:00 a.m. on September 9, 2010, in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.

2. The parties and the arbitrator's advisory staff shall appear in person or appear by telephone. To appear by telephone, a party shall dial **573-522-5993**. Any party may appear through counsel.

3. The parties shall be prepared to discuss the matter as described in the body of this order.

4. The initial arbitration meeting will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person who needs additional accommodations to participate in the pre-hearing conference shall contact the Commission before the pre-hearing conference. Such contact shall be through the Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711.

5. This order is effective immediately upon issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Daniel Jordan, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 3<sup>rd</sup> day of September 2010.