

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Proposed Commission)	
Rules 4 CSR 240-36.010, 36.020, 36.030,)	
36.040, 36.050, 36.060, 36.070 and)	Case No. TX-2003-
36.080.)	
)	

AFFIDAVIT

Staff proposes to initiate a new rulemaking, 4 CSR 240-36.010 through 4 CSR 240-36.080 to provide Commission procedure for negotiation, mediation and arbitration under the Telecommunications Act of 1996.

The Telecommunications Act of 1996 provides standards for arbitration to resolve any outstanding issues not settled by the parties through negotiation. The Act also provides specific timeframes for completion of the arbitration. However, the Act does not provide procedural guidelines for state commissions to follow in completing the arbitration proceeding. Since there are no set procedural guidelines, the Commission has previously set procedures on a case-by-case basis via orders in the various arbitration proceedings. This has resulted in uncertainty as each arbitration has a slightly different process. Further, in the last two arbitrations, the Commission has made Staff a neutral third party to the arbitration. This puts Staff in the awkward position of attempting to provide assistance to the Commission, while being subject to cross-examination in a contested case format. In previous arbitrations, there has been confusion as to when and how the parties submit an agreement, which “conforms” to the arbitrators agreement once the Commission has issued an arbitrated decision. The proposed rules will provide

Exhibit A

consistency in timeframes for the negotiation, mediation and arbitration. The proposed rules will also provide direction to the parties, provide a clear role for Staff, and will provide a means for Staff to assist the arbitrator and ultimately the Commission in making an informed decision.

I certify that I have read the foregoing statement and that the facts therein are complete, true and accurate to the best of my knowledge and belief.

Nateeh Buttrick

Affiant

Staff Regulatory Economist III

Subscribed and sworn to before me this 2nd day of April, 2003.

Dawn L. Hake

DAWN L. HAKE Notary Public

Notary Public - State of Missouri

County of Cole

My Commission Expires Jan 9, 2005

