ORIGINAL

GRAHAM MOODY & SOX

ATTORNEYS AT LAW

WILLIAM B. GRAHAM
W. DOUGLAS MOODY, JR.
RICHARD N. SOX, JR.

CERTAIN ATTORNEYS ALSO
ADMITTED IN GEORGIA,
AND TEXAS

ROBERT F. REYES*
GOVERNMENTAL CONSULTANT
*NOT A MEMBER OF THE FLORIDA BAR

January 4, 2000

VIA HAND DELIVERY

Ms. Blanco Bayo, Director
Division of Records and Reporting
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED-FPSC
00 JAN -4 PM 3:16
RECORDS AND REPORTING

Re: MediaOne Florida Telecommunications, Inc.

Dear Ms. Bayo:

Please find enclosed for filing on behalf of MediaOne Florida Telecommunications, Inc., the following documents:

Original and 7 copies of MediaOne's Second Request to File Supplemental Authority

Please acknowledge receipt of these documents by stamping the extra copy of this letter "Filed" and returning the same to me.

I thank you very much for your assistance in this matter.

Very truly yours,

RECEIVED & FILED
FPSC-BUREAU OF RECORDS

William B. Graham

AFA
APP
CAF
CMU
CTR
EAG
LEG 1 WBG/ktc
MAS 3 Encls.
OPC cc: Susan Keesen
RRR Dick Karre
SEC 1
WAW J. Phillip Carver
OTH

DOCUMENT NUMBER-DATE
00084 JAN-4 8
FPSC-RECORDS/REPORTING

101 NORTH GADSDEN STREET • TALLAHASSEE, FLORIDA 32301
(850) 222-6656 • *Fax:* (850) 222-7878 • *E-mail:* graham&moody@nettally.com

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by MediaOne Florida Telecommunications, Inc. for arbitration of an interconnection agreement with BellSouth Telecommunications, Inc. pursuant to Section 252(b) of the Telecommunications Act of 1996.

DOCKET NO. 990149-TP

MEDIAONE'S SECOND REQUEST TO FILE SUPPLEMENTAL AUTHORITY

There is currently pending before this Commission MediaOne's Motion for Reconsideration of the Final Order on Arbitration. In its Motion for Reconsideration, MediaOne asks that this Commission reconsider two issues addressed in the Order. First, MediaOne requests that the Commission revisit its determination not to treat the Calling Name Database ("CNAM") as an Unbundled Network Element ("UNE"). MediaOne further asks the Commission to reconsider several of its determinations regarding the appropriate treatment of Network Terminating Wire ("NTW").

The FCC issued its Third Report and Order and Fourth Further Notice of Proposed Rulemaking in the UNE Remand Proceeding on November 5, 1999. MediaOne believes that the findings of the FCC in the UNE Remand Proceeding are dispositive of the issues raised by MediaOne in this arbitration proceeding and those findings are one of the bases for the pending Motion for Reconsideration.

As this Commission may be aware, the Georgia Public Service Commission has been conducting an arbitration between BellSouth Telecommunications, Inc. and MediaOne Telecommunications of

Georgia, LLC. That arbitration raised the same issues as were addressed in the arbitration conducted before this Commission. The Georgia Public Service Commission entered its final order in its arbitration on December 21, 1999. In its order, the Georgia Commission adopted the position advocated by MediaOne on every issue. In doing so, the Georgia Commission placed great reliance on the FCC's Third Report and Order of November 5, 1999.

While the Georgia Commission's order is final, the Commission has not yet released the final written order. MediaOne has obtained a copy of the draft order from the Georgia Public Service Commission Utilities Division. A copy of the draft written order is attached to this Request to File Supplemental Authority. Upon receipt of the executed final order, MediaOne will forward a copy to the commission as quickly as possible.

WHEREFORE, MediaOne respectfully requests that the Florida Public Service Commission consider the findings contained in the Georgia Commission's Order and grant MediaOne's Motion for Reconsideration.

Respectfully submitted, this 4th day of January, 2000.

William B. Graham, Esq.
Fla. Bar No. 359068
GRAHAM MOODY & SOX, P.A.
101 N. Gadsden Street
Tallahassee, FL 32301
(850) 222-6656

DRAFT

ORDER

In re: Interconnection Agreement Between MediaOne Telecommunications of Georgia, LLC and BellSouth Telecommunications, Inc.; Docket 10418-U

In re: MediaOne Telecommunications of Georgia, LLC v. BellSouth Telecommunications, Inc., Docket No. 10135-U

On November 12, 1998, MediaOne Telecommunications of Georgia LLC (MediaOne) filed a complaint with Georgia Public Service Commission (Commission) against BellSouth Telecommunications, Inc. (BellSouth) alleging that BellSouth had violated provisions of an Interconnection Agreement that the two parties had entered into on July 15, 1996. Docket 10135-U. On February 10, 1999, MediaOne initiated its arbitration seeking resolution by the Commission of certain issues for a new agreement between it and BellSouth. Docket 10418-U. MediaOne asked the Commission to conduct the arbitration pursuant to Section 252(b) of the Telecommunications Act of 1996 (the "Act," or the "federal Act") (47 U.S.C. 252(b)). These two dockets were consolidated on May 27, 1999, and came before the Commission for hearing on August 24, 1999. All the issues in Docket 10135-U have been resolved by agreement of the Parties, and only two sets of issues remain in Docket 10418-U. These are issues relating to the Network Terminating Wire (NTW) and the Calling Name (CNAM) Database.

I. JURISDICTION AND PROCEEDINGS

A. Federal Requirements

The issues submitted for arbitration fall within Sections 251 and 252 of the federal Telecommunications Act of 1996 ("Act"). These sections contain pricing standards and other requirements relating to interconnection and access to unbundled network elements (UNEs). Just as these standards and requirements create a new framework for the telecommunications marketplace, the Act also established arbitration by state commissions as a new method for the resolution of disputes that may arise among existing companies and new entrants.

In its arbitration ruling resolving the open issues and imposing conditions upon the parties to the agreement, as required by Section 252(c) of the Act, the Commission must:

(a) ensure that the resolution and conditions meet the pricing standards and requirements of Section 251 of the Act,

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by MediaOne Florida Telecommunications, Inc. for arbitration of an interconnection agreement with BellSouth Telecommunications, Inc. pursuant to Section 252(b) of the Telecommunications Act of 1996.

DOCKET NO. 990149-TP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Second Request to File Supplemental Authority has been furnished by Hand Delivery to:

Lee Fordham, Esq.
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

J. Phillip Carver
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, FL 32399

this 4th day of January, 2000.

William B. Graham, Esq.
Fla. Bar No. 359068
GRAHAM MOODY & SOX, P.A.
101 N. Gadsden Street
Tallahassee, FL 32301
(850) 222-6656

(b) establish any rates for interconnection, services, or network elements according to the pricing standards of Section 252(d); and
(c) provide a schedule for implementation of the terms and conditions by the parties to the agreement.

Section 251(c)(3) provides, with respect to access to unbundled network elements such as unbundled loops, that each incumbent local exchange carrier ("LEC") has the duty:

> to provide . . . nondiscriminatory access to network elements on an unbundled basis . . . on rates, terms, and conditions that are just, reasonable, and nondiscriminatory in accordance with the terms and conditions of the agreement and the requirements of this section and section 252. . . .

Section 252(d)(1) provides the following pricing standard for network elements.

> Determinations by a State commission of . . . the just and reasonable rate for network elements for purposes of subsection (c)(3) [of Section 251] -
> (A) shall be -
> (I) based on the cost (determined without reference to a rate-of-return or other rate-based proceeding) of providing the . . . network element . . . , and
> (ii) nondiscriminatory, and
> (B) may include a reasonable profit.

The Commission notes that the Federal Communications Commission ("FCC") issued its First Report and Order, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98 (Order FCC No. 96-325) (adopted August 1, 1996; released August 8, 1996), adopting rules to implement Section 251 and certain portions of Section 252 of the Act (First Report and Order). The FCC Order was to become effective on September 30, 1996 (30 days after the August 29, 1996 publication of a summary in the Federal Register). However, portions of the FCC Order were stayed and subsequently vacated by the Eighth Circuit Court of Appeals.

On January 25, 1999, the Supreme Court issued its decision in AT&T Corporation v. Iowa Utilities Board. This matter had come before the Supreme Court on writs of certiorari from the decision of the Eighth Circuit Court of Appeals. The Supreme Court found that several of the FCC rules that the Eighth Circuit had vacated should be reinstated. The Supreme Court ruled, however, that the FCC did not adequately consider the "necessary and impair" standard in determining which network elements incumbents must provide to CLECs on an unbundled basis. As a result, the Supreme Court itself vacated the FCC's Rule 319.

On September 15, 1999, the Federal Communications Commission (FCC) adopted its Third Report and Order and Fourth Further Notice of Proposed Rulemaking (Third Report and Order), Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98. The FCC's written order was released on November 5, 1999. In this Third

Report and Order, the FCC revised, in light of the Supreme Court's order, the list of the network elements that ILEC must provide on an unbundled basis and issued a new Rule 319.

B. General Provisions of State Law

In addition to its jurisdiction of this matter pursuant to Section 252 of the federal Act, the Commission also has general authority and jurisdiction over the subject matter of this proceeding, conferred upon the Commission by Georgia's Telecommunications and Competition Development Act of 1995, O.C.G.A. 46-5-160 et seq., and generally O.C.G.A. 46-1-1 et seq., 46-2-20, 46-2-21, and 46-2-23.

Pursuant to O.C.G.A. 46-2-20(a), the Commission has general supervision of all telephone companies. See also O.C.G.A. 46-2-21(b)(4); Camden Tel. & Tel. Co. v. City of St. Marys, 247 Ga. 687, 279 S.E.2d 200 (1981), City of Dawson v. Dawson Tel. Co., 137 Ga. 62, 72 S.E. 508 (1911). Pursuant to O.C.G.A. 46-2-20(b), the Commission is also authorized to perform the duties imposed upon it of its own initiative.

The Commission has the authority, pursuant to O.C.G.A. 46-2-20(e), to examine the affairs of all companies under its supervision and to keep informed as to their general condition, their capitalization, and other matters, not only with respect to the adequacy, security, and accommodation afforded by their service to the public and their employees but also with reference to their compliance with all laws, orders of the Commission, and charter requirements. Pursuant to subsection (f) of that section, the Commission has the power and authority to examine all books, contracts, records, papers, and documents of any person subject to its supervision and to compel the production thereof.

II. ISSUES AND DISCUSSION

A. Network Termination Wire (NTW)

a. Network Terminating Wire (NTW) is an unbundled network element

Both BST and MediaOne acknowledge that the network terminating wire (NTW), the final portion of the loop owned by BellSouth, is a subloop element. BellSouth's Brief, 3-4, MediaOne's Brief, p. 4. MediaOne asked that the Commission declare the NTW a UNE MediaOne's Brief, p. 4. BellSouth recognized that this Commission previously required subloop unbundling, but reserved the right to withdraw its offering for NWT upon completion of the FCC's UNE remand proceeding. Tr. 263.

The FCC has now completed its UNE remand proceeding. In the Third Report and Order, the FCC found that incumbent LECs, such as BST, "must provide unbundled access to subloops nationwide, where technically feasible." Third Report and Order, ¶ 205. Subloops were defined as "portions of the loop that can accessed at terminals in the incumbent's outside plant." Third Report and Order, ¶ 206; Rule 319(a)(2). The FCC intended its definition of subloop to be broad in order to allow requesting carriers "maximum flexibility to interconnect their own

facilities" at technically feasible points. Third Report and Order, ¶207. Based on its review of the record in this matter, and based on the FCC's Third Report and Order, the Commission finds that NTW is a subloop element and that it is a UNE.

b. The Minimum Point of Entry (MPOE) is the appropriate the point of interconnection in Multi-Dwelling Units (MDUs)

MediaOne has requested that the minimum point of entry (MPOE) be designated as the point of demarcation in an MDU. MediaOne's Brief, p. 5, tr p. 44. MediaOne proposes that each LEC provide its own cross connect (CSX) facility in the wiring closet to connect from the building back to its network. Each LEC would connect its customers within the MDU by means of an "access CSX." This requires only one connector from the wiring closet to the individual units. Thus, the presence of multiple technicians is not required to change service. MediaOne's Brief, p. 5.

BellSouth argues that the demarcation point is established by BellSouth according to the preferences of the property owner. If the owner wants to establish a single demarcation point, BellSouth will comply with the request; if the building own does not want a single point of demarcation, BellSouth will provide demarcation points in each tenants' office, apartment or suite. BellSouth's Brief, p. 2. BellSouth proposes that its own technicians perform the work to make NTW available to MediaOne and that MediaOne be charged a non-recurring rate for this labor. BellSouth's Brief, p. 5. Under BellSouth's proposal, the CLEC installs its own terminal in proximity to BellSouth's garden terminal or wiring closet. BellSouth will then install an access terminal "in between" the garden terminal or wiring closet and the CLEC's terminal that contains a cross-connect panel onto which BellSouth will extend the CLEC-requested NTW pairs from BellSouth's garden terminal or wiring closet. The CLEC will then extend a tie cable from its terminal and connect to the pairs it has requested. BellSouth's Brief, p. 5; Tr. at 171.

In its Third Report and Order, the FCC stated that the point of demarcation should be used to define the termination point of the loop. Third Report and Order, ¶ 168. The demarcation point is the "point on the loop where the telephone company's control of the wire ceases, and the subscriber's control (or, in the case of some multiunit premises, the landlord's control) of the wire begins." Third Report and Order, ¶ 169; See 47 C.F.R. § 68.3. In the context of competing carriers serving multi-unit premises, the FCC declined to amend its rules to eliminate multiple demarcation points in favor of a single demarcation point; however, the FCC found that "the availability of a single point of interconnection will promote competition." Third Report and Order, ¶ 226. The FCC further found that:

> To the extent there is not currently a single point of interconnection that can be feasibly accessed by a requesting carrier, we encourage parties to cooperate in any reconfiguration of the network necessary to create one. If parties are unable to negotiate a reconfigured single point of interconnection at multi-unit premises, we require the incumbent to construct a single point of interconnection that will be fully accessible and suitable for use by multiple carriers. Any disputes regarding the implementation of this requirement, including the provision of compensation

> to the incumbent LEC under forward-looking pricing principles, shall be subject to the usual dispute resolution process under section 252.

Third Report and Order, ¶ 226; Rule 319(a)(2)(B)

As discussed in the prior section, subloops are portions of the loop that can accessed at terminals in the incumbent's outside plant. An accessible terminal is "a point on the loop where technicians can access the wire or fiber within the cable without removing a splice case to reach the wire or fiber inside. These would include a technically feasible point near the customer premises, such as the pole or pedestal, the NID . . . , or the minimum point of entry to the customer premises (MPOE)." Third Report and Order, ¶ 206.

As discussed in the next section, the Commission finds that interconnection at the MPOE is technically feasible. Further, the Commission agrees with the conclusion of the FCC that the availability of a single point of interconnection will promote competition. The Commission finds that the MPOE is an appropriate point of interconnection in MDU's whether or not the demarcation point is at the MPOE under 47 C.F.R. § 68.3. The Commission finds that designating the MPOE as a point of interconnection does not alter the point of demarcation. To the extent there is not currently a single point of interconnection that can be feasibly accessed by MediaOne, consistent with the FCC's Third Report and Order, BellSouth must construct a single point of interconnection that will be fully accessible and suitable for use by multiple carriers.

c. Technical Feasibility, Security and Accountability

BellSouth states that MediaOne's proposal is not technically feasible. BellSouth's Brief, p. 10. BellSouth argues that "MediaOne's proposal would make it impossible for BellSouth to ensure the safety and security of its network, and would make it equally impossible for BellSouth to maintain accurate records of the use being made of its network by other service providers." Id. at 11. To address these concerns, BellSouth proposes that its own technicians perform the work required to make NTW available to MediaOne.

MediaOne argues that BellSouth failed to show that the MediaOne's requested form of interconnection will produce specific and significant adverse impacts to BellSouth's network. MediaOne's Brief, p. 7. In fact, MediaOne asserts that BellSouth's NTW proposal provides greater opportunity for damage to the facilities and interruption of service. Id. at 8. MediaOne states that to address BellSouth's concerns that "a procedure could be put in place by the Commission to require notice to BellSouth regarding any change made by any LEC or CLEC to any other's customer's service." Id. at 7.

In its Third Report and Order, the FCC established a "rebuttable presumption that the subloop can be unbundled at any accessible terminal in the outside loop plant." Third Report and Order, ¶ 223. In an arbitration proceeding, the incumbent has the burden of demonstrating that it is not technically feasible to unbundle the subloop at these points. Id.

While ensuring the safety and security of BellSouth's network and the accuracy of BellSouth's records are legitimate concerns, the Commission finds that these concerns can be adequately addressed through the implementation of appropriate procedures. The Commission agrees with MediaOne that a procedure could be put in place by the Commission to require notice to a carrier regarding any change made by any LEC or CLEC to the carrier's customer's service. The Commission directs BellSouth and MediaOne to negotiate reasonable procedures for notification of changes of service. The parties shall jointly file a proposed procedure within 15 days of the date of this order. To address BellSouth's concern that a carrier may not honestly notify BellSouth of the use of its facilities, the Commission notifies the parties that the proposal, once approved by this Commission, shall be incorporated as part of the order of the Commission. Thus, in addition to any other remedies BellSouth may have, the failure to notify BellSouth of the use of its facilities in violation of the approved procedure may result in the imposition of penalties by the Commission under O.C.G.A. § 46-2-91.

BellSouth also complains that if BellSouth's network was harmed by MediaOne that BellSouth would bear the financial burden of repairing the network. The Commission addressed a similar issue in Commission Docket 6801-U. In that case AT&T wanted the ability "to use any existing capacity on BellSouth's NID or to ground BellSouth's loop and connect directly to BellSouth's NID." Docket 6801-U, Order of December 4, 1996, p. 46. The Commission permitted this form of interconnection, but found:

> In such an event, the burden of properly grounding the loop after disconnection and maintaining same in proper order and safety must be the responsibility of AT&T. AT&T or any other party connecting to BellSouth's NID shall assume the full liability for its actions and for any adverse consequences that could result.

Id. In this case, the Commission similarly finds that while MediaOne may use its own technicians to interconnect at the MPOE, it may only do so if it shall assume the full liability for its actions and for any adverse consequences that could result. The joint notification procedure discussed above, shall include a requirement that parties notify other carriers of any damage to the other carrier's facilities.

The Commission finds that interconnection at the MPOE is technically feasible. The Commission finds that MediaOne shall be permitted to use its own technicians to perform the work required to make NTW available to MediaOne. As stated in the prior section, to the extent there is not currently a single point of interconnection that can be feasibly accessed by MediaOne, consistent with the FCC's Third Report and Order, BellSouth must construct a single point of interconnection that will be fully accessible and suitable for use by multiple carriers. Such single points of interconnection shall be constructed consistent with MediaOne's proposal such that MediaOne shall provide its own cross connect (CSX) facility in the wiring closet to connect from the building back to its network. MediaOne would then be able to connect its customers within the MDU by means of an "access CSX."

d. BellSouth's reservation of the "First Pair" to each unit

MediaOne argues that BellSouth "should be required to relinquish the "first pair" serving each unit in the MDU. MediaOne's Brief, p. 9. BellSouth argues that it should be permitted to reserve the first pair for its use. BellSouth's Brief, pp. 12-13.

As MediaOne demonstrated at the hearing, BellSouth's proposal requires rewiring of the first jack in each MDU in order to provide service. Tr. 42-44 It also requires use of either condominium NIDs or splitter jacks to provide multi-line service to each MDU unit. These devices stick out from the wall. They also increase the costs to competitors and make the provision of service by competitors more difficult. Tr. 67.

In addressing this same issue, the Florida Public Service Commission stated:

> [W]e believe that BellSouth's retention policy regarding the first pair of NTW is unreasonable for servicing facilities-based ALECs. Customers would ultimately suffer the burden of inconvenience at the hands of BellSouth's policy. Therefore, we believe that BellSouth should be required to relinquish the first NTW pair and make it available to MediaOne, unless BellSouth is using the first pair of NTW to concurrently service the same MDU.

FPSC Docket No. 990149-TP, Order No. PSC-99-2009-FOF-TP, p. 16.

After review the record in this case, the Commission agrees with the conclusion of the Florida Commission that this practice is unreasonable. The Commission further agrees that BellSouth should be required to relinquish the first NTW pair and make it available to MediaOne, unless BellSouth is using the first pair of NTW to concurrently provide service.

e. Cost-based rate

As discussed above, NTW is a UNE. Therefore, the rates for NTW must be forward-looking and cost based. BellSouth has proposed non-recurring rates that were set based on the premise that BellSouth's technicians would perform the work required to make NTW available to MediaOne. Because the Commission has declined to adopt BellSouth's proposal, the Commission rejects BellSouth's proposed non-recurring rates.

BellSouth also proposed a recurring charge for NTW. BellSouth's proposed recurring charge was generated by means of a forward-looking cost study previously approved by this Commission. MediaOne did not file its own cost-study and has provided no basis for rejection or modification of BellSouth's cost study or BellSouth's proposed rate. Accordingly, the Commission adopts BellSouth's recurring charge for NTW.

B. Calling Name (CNAM) Database

a. CNAM is an unbundled network element

The Calling Name (CNAM) Database conveys the calling name associated with the calling number and is utilized by MediaOne to provide the caller name portion of Caller ID. Tr. 248-49. MediaOne argues that CNAM should be identified as a UNE and that the price must be cost-based. MediaOne's Brief, pp. 12-14. BellSouth contends that CNAM is not a UNE and that a market-based rate is appropriate. BellSouth's Brief, p. 15.

In its Third Report and Order, the FCC found:

> In the *Local Competition First Report and Order*, the Commission defined call-related databases as "databases, other than operations support systems, that are used in signaling networks for billing and collection or the transmission, routing, or other provision of telecommunications service." The Commission further required incumbent LECs to provide unbundled access to their call-related databases, including but not limited to the Line Information database (LIDB), the Toll Free Calling database, the Local Number Portability database, and Advanced Intelligent Network databases. No commenter in this phase of the proceeding challenges the definitions of call-related databases or AIN that were adopted in the *Local Competition First Report and Order*, and we find no reason for modifying those definitions. As discussed below, however, we clarify that the definition of call-related databases includes, but is not limited to, the calling name (CNAM) database, as well as the 911 and E911 databases.

Third Report and Order, ¶ 403 (Footnotes omitted); see Rule 319(e)(2)(A). Based the above, and based on the evidence submitted in this matter, the Commission finds that CNAM is a call-related database and, accordingly, is a UNE.

b. Cost-based rate

As discussed in the prior section, CNAM is a UNE. Thus, the provision of CNAM by BellSouth must be cost based. 47 U.S.C. § 252(d). No forward looking cost study for CNAM has been filed in this matter. Accordingly, the Commission directs BellSouth to file a cost study supporting a per query cost based rate for CNAM within 15 days of the date of this Order.

III. ORDERING PARAGRAPHS

After consideration of the evidence presented in this arbitration proceeding, in conjunction with consideration of the applicable law and regulatory policy, the Commission concludes that the disputed issues in this arbitration shall be resolved according to the rulings discussed within the preceding sections of this Order. In addition, the Commission adopts and sets out the ordering paragraphs below.

WHEREFORE IT IS ORDERED that:

A. All findings, conclusions and statements made by the Commission and contained in the foregoing sections of this Order are hereby adopted as findings of fact, conclusions of law, and statements of regulatory policy of this Commission.

B. The Commission directs BellSouth and MediaOne to negotiate reasonable procedures for notification of changes of service as set forth in the body of this Order. The parties shall jointly file a proposed procedure within 15 days of the date of this Order.

C. The Commission directs BellSouth to file a cost study supporting a per query cost based rate for CNAM within 15 days of the date of this Order.

D. The Commission directs the Parties to negotiate a comprehensive agreement that incorporates the rulings in this Order, and file it not later than January 14, 2000. If the Parties cannot reach agreement within that time frame, each Party shall file with the Commission its proposed version of the agreement on January 14, 2000. Such filings must clearly delineate the area(s) of dispute between Parties regarding contract language. The Commission will then adopt the proposal, or the portions of the competing proposals, which the Commission finds appropriate in order to incorporate its arbitration ruling into a comprehensive arbitrated agreement.

Once the Parties have developed the arbitrated agreement by either process, they shall file it with the Commission. The arbitrated agreement shall clearly state which provisions were resolved by the arbitration ruling, and which provisions were negotiated by the Parties. The Parties shall also cause notice to be published as required by the Commission. Copies of the arbitrated agreement shall also be served on the Consumers' Utility Counsel Division and all Participants to the arbitration.

The filing of the arbitrated agreement shall initiate the 30-day review process by the Commission pursuant to Section 252(e)(1) of the Act. This 30-day review shall be the formal Commission process which results in a final Commission decision on the agreement, and which affords an opportunity for intervention and hearing upon appropriate grounds under federal and state law.

E. Any motion for reconsideration, rehearing, or oral argument or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

F. Jurisdiction over this matter is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action the Commission in Administrative Session on the ___ day of December 1999.

HELEN O'LEARY **EXECUTIVE SECRETARY**	**STAN WISE** **CHAIRMAN**
DATE	**DATE**