

CHAPTER 21. INTERCONNECTION AGREEMENTS FOR TELECOMMUNICATIONS SERVICE PROVIDERS

Subchapter E. POST-INTERCONNECTION AGREEMENT DISPUTE RESOLUTION.

§21.123. Informal Settlement Conference.

- (a) **Filing a request.** Either party to an interconnection agreement may request an informal settlement conference by filing ten copies of a written request with the commission and, on the same day, delivering a copy of the request either by hand delivery or by facsimile to the other party (respondent) to the interconnection agreement from which the dispute arises. The written request should include:
- (1) The name, address, telephone number, facsimile number, and email address of each party to the interconnection agreement and the requesting party's designated representative;
 - (2) A description of the parties' efforts to resolve their differences by negotiation;
 - (3) A list of the discrete issues in dispute, with a cross-reference to the area or areas of the agreement applicable or pertaining to the issues in dispute; and
 - (4) The requesting party's proposed solution to the dispute.
- (b) **The settlement conference.** The commission staff conducting the informal settlement conference shall notify the parties of the time, date, and location of the settlement conference, which, if held, shall be held no later than ten working days from the date the request was filed. The commission staff may require the respondent to file a response to the request. The parties should provide the appropriate personnel with authority to discuss and to resolve the disputes at the settlement conference. If the parties are in disagreement as to the need for a settlement conference, the presiding officer may deny the request for good cause.
- (c) **Conduct.** The settlement conference shall be conducted as informal meetings and will not be transcribed. Only parties to the interconnection agreement may participate as parties to the settlement conference.
- (d) **Results of settlement conference.** The settlement conference may result in an agreement on the resolution of the dispute described in the request. If an agreement is reached, the agreement will be binding on the parties. In the event that the parties do not reach an agreement as a result of the settlement conference, either party may utilize other procedures for dispute resolution provided in this subchapter. The commission staff conducting the informal settlement conference may participate in a subsequent dispute resolution proceeding involving the parties to the informal settlement conference.
- (e) **Both formal dispute resolution and informal settlement request.** In the event a party negotiating a request for interconnection, services, or network elements under the Federal Telecommunications Act of 1996 (FTA) has requested both formal dispute resolution and an informal settlement conference, the informal settlement conference will precede formal dispute resolution. If agreed to by both parties, any procedural deadlines applicable to formal dispute resolution will be tolled for the duration of the informal settlement proceedings, including time needed for commission approval of an informal settlement agreement. To the extent parties do not settle all matters at issue in the informal settlement conference, the formal dispute resolution proceeding shall not be initiated until the parties jointly file an update of unresolved issues and a revised procedural schedule.