

CHAPTER 21. INTERCONNECTION AGREEMENTS FOR TELECOMMUNICATIONS SERVICE PROVIDERS

Subchapter E. POST-INTERCONNECTION AGREEMENT DISPUTE RESOLUTION.

§21.127. Request for Expedited Ruling.

- (a) **Purpose.** This section establishes procedures pursuant to which a party who files a complaint to initiate a dispute resolution under this subchapter may request an expedited ruling when the dispute directly affects the ability of a party to provide uninterrupted service to its customers or precludes the provisioning of any service, functionality, or network element. The presiding officer has the discretion to determine whether the resolution of the complaint may be expedited based on the complexity of the issues or other factors deemed relevant. Except as specifically provided in this section, the provisions and procedures of §21.125 of this title (relating to Formal Dispute Resolution Proceeding) apply.
- (b) **Filing a request.** Any request for expedited ruling shall be filed at the same time and in the same document as the complaint filed pursuant to §21.125 of this title. The complaint shall be entitled "Complaint and Request for Expedited Ruling." In addition to the requirements listed in §21.125(a) of this title, the complaint shall also state the specific circumstances that make the dispute eligible for an expedited ruling.
- (c) **Response to complaint.** The respondent shall file a response to the complaint within five working days after the filing of the complaint. In addition to the requirements listed in §21.125(b) of this title, the respondent shall state its position on the request for an expedited ruling. The respondent shall serve a copy of the response on the complainant by hand-delivery or facsimile on the same day as it is filed with the commission.
- (d) **Hearing.** After reviewing the complaint and the response, the presiding officer will determine whether the complaint warrants an expedited ruling. If so, the presiding officer shall make arrangements for the hearing, which shall, to the extent practicable, commence no later than 20 days after the filing of the complaint. The presiding officer shall notify the parties, not less than three working days before the hearing of the date, time, and location of the hearing. If the presiding officer determines that the complaint is not eligible for an expedited ruling, the presiding officer shall so notify the parties within five days of the filing of the response.
- (e) **Decision Point List (DPL) and witness list.** Parties shall file a jointly populated DPL and witness list, in a format approved by the presiding officer, no later than five days before the commencement of the hearing. The presiding officer shall require the parties to file their DPL under the same deadline. The DPL shall identify all issues to be addressed, the witness, if any, who will be addressing each issue, and a short synopsis of each witness's position on each issue. If the schedule accommodates the filing of prefilled testimony, parties' DPL shall include specific citation to the parties' testimony relevant to that issue. Except as provided in §21.77 of this title (relating to Confidential Material), all materials filed with the commission or provided to the presiding officer shall be considered public information under the Texas Public Information Act, Texas Government Code, §552.001, *et seq.*
- (f) **Decision.** The presiding officer shall issue a written decision on the petition within 15 days after the close of the hearing. On the day of the issuance, the presiding officer shall notify the parties by facsimile that the decision has been issued. If the decision involves 9-1-1 issues, the presiding officer shall also notify the Commission on State Emergency Communications (CSEC) by facsimile on the same day.
- (g) **Motions for reconsideration.** Motions for reconsideration shall be governed by §21.75 of this title (relating to Motions for Clarification and Motions for Reconsideration).