

04 NCAC 08 .0313 ARBITRATION POLICIES

The Authority shall arbitrate any interconnection disputes between a TMC and other telecommunications carriers as described in Section 252 of the 1996 Telecommunications Act ("the Act"). This Rule sets forth the procedures for that process.

- (1) When the Authority is requested to arbitrate an interconnection agreement pursuant to Section 252(b)(1) of the Act or pursuant to a valid contractual agreement between a North Carolina cooperative and another telecommunication carrier, the petitioning party shall provide the Authority with the information required under Section 252(b)(2) of the Act and the non-petitioning party shall have the opportunity to respond in the timeframe set forth in Section 252(b)(3).
- (2) The Authority shall send each party a list of approved arbitrators. The parties shall have 15 days to review the list, strike names they object to, rank the remaining names in the order of preference and return the list to the Authority. The Authority shall then select the arbitrator agreed to by the parties. If the parties do not agree on the selection, the Authority shall select an arbitrator of its choosing from the list.
- (3) The parties seeking the arbitration shall be held accountable for any financial obligations, and each shall be responsible for an equal portion of the arbitrator fee, regardless of the outcome of the recommendation submitted to the Authority. The fee shall be paid directly to the arbitrator.
- (4) At the request of any party, or at the discretion of the arbitrator, the arbitrator may:
 - (a) schedule a preliminary hearing with the parties or its representatives;
 - (b) direct the production of documents and other information and the identification of any witnesses to be called at the hearing; or
 - (c) order the parties to attend a formal arbitration hearing.
- (5) The parties shall respond to requests for hearing dates by the deadline established by the Authority or the arbitrator, be cooperative in scheduling the earliest practical hearing date, and adhere to the established hearing schedule. The arbitrator shall send a notice of hearing to the parties at least 20 calendar days in advance of the hearing date, unless otherwise agreed to by the parties. At least five business days prior to the arbitration hearing, the parties shall exchange copies of all exhibits each party intends to submit at the hearing.
- (6) The arbitrator shall conclude the resolution of any unresolved issues no later than nine months following the date on which the request for arbitration was originally received by the Authority.
- (7) The petitioning party shall present evidence to support its petition. The non-petitioning party shall then present evidence in response. The arbitrator has the discretion to vary this procedure, but each party shall have the right to be heard and be given an opportunity to present his or her case.
- (8) The arbitrator shall make a decision on the issues presented for arbitration that contains applicable findings of fact and conclusions of law and forward this recommended decision to the Authority.
- (9) The Authority shall consider the decision of the arbitrator to be a recommendation. The Authority shall make the final decision in any arbitration hearing and may order additional written or oral testimony from the parties in order to render the decision. The Authority may accept the recommended decision from the arbitrator as its final decision, amend the recommended decision, or reject the recommended decision and render its own independent decision.
- (10) In accordance with 47 U.S.C. 252, a resolution of any unresolved issues shall be reached not later than nine months following the date on which the request for arbitration was originally received by the Authority.

History Note: Authority G.S. 117-31; 47 U.S.C. 252; Eff. June 1, 2014.