

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Commissioners of District of Columbia Housing Authority ("DCHA") hereby gives notice of its intent to adopt the following amendment to Chapter 61 of Title 14 DCMR, "Admission and Recertification," in not less than twenty-one (21) days from the date of publication of this notice in the D.C. Register. The DCHA finds good cause to publish these proposed rules for less than thirty days as the rules are a product of negotiated rulemaking with advocates representing the individuals who would be affected by the rules. The proposed amendment allows DCHA to permit the addition of minor children to a public housing lease outside of birth, adoption and court-awarded custody.

Proposed Amendment: Delete the present language of Section 6115 in its entirety and replacing it with the new Section 6115 to read as follows:

"6115 ADDING INDIVIDUALS TO THE LEASE AND LIVE-IN AIDES

6115.1 A family must request approval from DCHA to add any person, including other family members, as an occupant on their lease.

6115.2 The following shall apply to residents seeking to alter the status of their households in the following manner:

- (a) Residents seeking to add persons to the lease by marriage, reconciliation, or other changes in family composition that would add an adult person to a DCHA family, including the addition of a verified live-in aide or a remaining member of a household who wants to become head of household, will be subject to the DCHA Applicant Family Selection Criteria outlined in Section 6109 with respect to the new adult applicant.
- (b) Residents altering the status of their family by adding minor children other than by birth, such as by adoption or court-awarded custody of a child or adult, must notify DCHA at the time of the adoption or court-awarded custody and DCHA may require the family to transfer to an appropriately sized unit that will not result in overcrowding or occupancy in excess of the standards identified at Section 6110 of this Title.
- (c) Addition of minor children, other than (b) above, with a care giving relationship:
 - (1) DCHA may permit residents to add minor children, provided:
 - (i) The additional occupants will not result in overcrowding or occupancy in excess of the standards identified in Section 6110 of this Title, and

- (ii) Appropriate documentation acceptable to DCHA of a care giving relationship is provided prior to the minor children moving into the unit.
- (2) Documentation shall be sufficient to establish the care giving relationship and may include: notarized authorization from the child's legal guardian, school or medical records, public benefit records, and sworn statements from medical, legal, social service professionals, teachers or clergy.
- (3) Notwithstanding the provisions of (c)(1)(i) hereinabove, if additional occupants would result in occupancy in excess of the standards identified in Section 6110 of this Title, DCHA may review a reasonable request to approve the addition of minor children to the dwelling lease taking into account certain factors including but not limited to:
 - (i) the number of additional occupants;
 - (ii) the size of the unit;
 - (iii) the age of the household members;
 - (iv) the expected duration of the care giving relationship;
 - (v) the needs of the housing development; and
 - (vi) the capacity of DCHA."

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than twenty-one (21) days after the date of publication of this notice in the D.C. Register. Comments should be filed with the District of Columbia Housing Authority, Office of the General Counsel, 1133 North Capitol, NE, Suite 210, Washington, DC 20002-7599. Copies of these proposed rules may be obtained from DCHA at the same address.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Commissioners of District of Columbia Housing Authority ("DCHA") hereby gives notice of its intent to adopt the following amendment to Chapter 96 of Title 14 DCMR, "Public Housing: Barring Policy," in not less than twenty-one (21) days from the date of publication of this notice in the D.C. Register. The DCHA finds good cause to publish these proposed rules for less than thirty days as the rules are a product of negotiated rulemaking with advocates representing the individuals who would be affected by the rules.

The new chapter will be an instrumental tool in providing safe and secure communities for DCHA residents. The new chapter will permit unauthorized non-resident persons to be barred from DCHA properties and permit any individual who violates a Bar Notice to be arrested for unlawful entry. This action is based on DCHA's statutory authority, found at D.C. Code § 6-203, to bar unauthorized persons from DCHA property. This chapter was published previously as Emergency and Proposed Regulations at 50 DCR 5740 (July 18, 2003) and at 50 DCR 9397 (November 7, 2003).

Proposed Amendment: Delete the present language of Chapter 96 in its entirety and replacing it with the new Chapter 96 to read as follows:

"CHAPTER 96 PUBLIC HOUSING: BARRING POLICY**9600 BARRING POLICY**

- 9600.1 The DCHA's mission is to provide properties that are safe, decent, and sanitary dwelling units in which families may live. In addition, DCHA has the right to refuse entrance or access to its property to any unauthorized person as defined in § 9600.2.
- 9600.2 No person may enter upon DCHA property unless that person is authorized to be on the property. The only persons authorized to be on DCHA property are:
- (a) Residents of the property;
 - (b) Members of the resident's household;
 - (c) A resident's guests except as provided in § 9600.5;
 - (d) Persons authorized under § 9600.3;

- (e) Licensees including their invitees; and
- (f) Persons employed by or doing business with DCHA at the property.

9600.3 Any person, not otherwise authorized under § 9600.2, seeking access to DCHA property for legitimate business or social purposes shall be admitted as follows:

- (a) Any person not otherwise authorized under § 9600.2 seeking access to DCHA property for legitimate business or social purposes shall submit a written request to the property management office of the respective DCHA development to which the person is seeking access.
- (b) DCHA in consultation with the resident council of the respective development shall review the request and respond to the request in writing within ten (10) business days of the request stating approval or disapproval of the request. If DCHA has not responded within ten (10) business days, the request is deemed approved. In the case of urgent law enforcement or other civil or criminal litigation purposes, where time is of the essence, the response will be provided within forty eight (48) hours of the request for an expedited response.

9600.4 Any person not identified in § 9600.2 as an authorized person may be subject to the issuance of a Bar Notice for five years.

9600.5 Resident's guests may be subject to the issuance of a Bar Notice pursuant to the following:

- (a) Any resident's guest who engages in any activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or DCHA employees or violates DCHA policy is an unauthorized person.
- (B) For any activity by a resident's guest that violates § 9600.5(a), a Temporary or Permanent Bar Notice may be issued to the unauthorized person as follows:
 - (1) Temporary Bar Notices shall remain in effect for the first infraction for sixty (60) days, second infraction for six (6) months, and third infraction for one (1) year for the following infractions:

- (a) Entering DCHA property without presenting identification or properly signing the visitor log;
 - (b) Being on or about DCHA property or other dwelling units other than the location identified on the guest pass or visitor log;
 - (c) Residing as an unauthorized occupant in a DCHA dwelling unit; or
 - (d) Disruptive conduct while on DCHA property that disturbs the health, safety or peaceful enjoyment of the property.
- (2) Permanent Bar Notices shall remain in effect for five (5) years for all other activities that seriously violate § 9600.5(a) and are not specified in § 9600.5(b) including, but not be limited to criminal or other activity involving drugs, violent activity, weapons, theft, assault, damage to property, serious or repeated violations of DCHA policy, and persons evicted from DCHA property on the basis of such person's criminal or illegal activity.
- (c) Nothing contained in this Chapter shall prevent a guest of a DCHA resident from access or entry to the resident's dwelling unit for legitimate business or social purposes except as they may have been barred as provided in § 9600.5(b).

9600.6 Bar Notices shall be applicable at the following:

- (a) Bar Notices issued to unauthorized persons under § 9600.4 or Temporary or Permanent Bar Notices issued to guests under 9600.04 may only be issued to bar such individuals from DCHA property.
- (b) Bar Notices may not be issued to bar persons from public streets or sidewalks, or from private property adjoining DCHA property.

9600.7 Bar Notices shall be served to persons pursuant to the following:

- (a) Personal service or attempted service in writing of Bar Notices shall be made to each person barred from DCHA property.

- (b) The Bar Notice shall identify the basis for the issuance of the Bar Notice and the time period for which the person is barred from DCHA property. The Bar Notice shall reflect the date, method and manner of service upon the barred person. The Bar Notice does not have to be served on DCHA property.
- (c) A copy of the Bar Notice issued to a guest will be provided to the resident, if the guest has identified the unit number and name of the resident.

9600.8 Bar Notices shall only be issued by the following persons:

- (a) Members of the DCHA Office of Public Safety including sworn officers and special police officers;
- (b) Members of the Metropolitan Police Department;
- (c) Members of cooperative law enforcement task forces as may be authorized by the Chief of DCHA Office of Public Safety; and
- (d) Private security providers contracted by DCHA or DCHA's agent.

9600.9 The issuance of a Bar Notice requires the barred person to immediately leave the DCHA property from which the person was barred and not return for the period the Bar Notice remains in effect.

9600.10 Should the barred person fail to leave the DCHA property after the issuance of the Bar Notice, or later returns to the DCHA property noted on the Bar Notice at any time while the Bar Notice is in effect, the person may be arrested for "unlawful entry" pursuant to D.C. Code § 22-3302 (2001 ed.) as amended.

9600.11 Any barred person may submit a written request for a temporary lift of a Permanent Bar Notice or Temporary Bar Notice of greater than 60 days to the Chief of DCHA Office of Public Safety.

- (a) The written request shall state the reason for the request of the temporary lift, and the specific location and time period during which the barred person is seeking access.
- (b) A temporary lift shall be for a period of not more than eight hours during one calendar day.
- (c) A barred person may only be granted two (2) temporary lifts during any particular year of the imposition of a Permanent Bar Notice.

- (d) Any barred person who commits a subsequent infraction on DCHA property during a period of a temporary lift shall be prohibited from requesting additional requests for temporary lifts during the remaining term of the Permanent Bar Notice.
- (e) The Chief of DCHA Office of Public Safety will review the request of temporary lift and respond in writing within ten (10) days of the submission.”

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing within twenty-one (21) days after the date of publication of this notice in the D.C. Register. Comments should be filed with the Office of the General Counsel, DCHA, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599. Copies of these proposed rules may be obtained from the DCHA at that same address.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority ("DCHA") hereby gives notice of its intent to adopt a new chapter, Chapter 97, of Title 14 DCMR, "Public Housing: Vehicle Towing Policy," in not less than twenty-one (21) days from the date of publication of this notice in the D.C. Register. The DCHA finds good cause to publish these proposed rules for less than thirty days as the proposed rules are based on the need to protect the DCHA's residents from negative social effects of abandoned vehicles which encourage criminal activity or otherwise disturb the DCHA's residents' right to quiet enjoyment of their tenancy.

The proposed amendment contains the definitions of abandoned, junked and nuisance vehicles and explains the notice DCHA will provide to owners of these vehicles.

Proposed Amendment: Add a new chapter, Chapter 97, to Title 14 DCMR to read as follows:

"CHAPTER 97 PUBLIC HOUSING: VEHICLE TOWING POLICY**9700 OVERVIEW**

9700.1 The DCHA's mission is to provide properties that are safe, decent, and sanitary dwelling units in which families may live. All DCHA-owned properties are private property and parking is prohibited unless approved by DCHA. In addition, DCHA has the right to tow any unauthorized vehicle on its properties as provided in this Chapter.

9701 DEFINITIONS

9701.1 "Abandoned Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that:

- (a) Is inoperable and left unattended on public property for more than 72 hours;
- (b) Has remained illegally on public property for more than 72 hours;
- (c) Has remained on public property for more than 72 hours and is:
 - (1) Not displaying current valid registration; or
 - (2) Displaying registration of another vehicle;

- (d) Has remained on DCHA property for more than 72 hours and is inoperable in that one or more of its major mechanical components, including, but not limited to, engine, transmission, drive train or wheels, is missing or not functional unless such vehicle is kept in an enclosed building completely shielded from view of individuals on the adjoining properties; or
- (e) Has remained unclaimed on DCHA property for 72 hours after proper notice as provided for in Section 9704.3 below.

9701.2 "Junk Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that is wrecked, dismantled, or in irreparable condition.

9701.3 "Nuisance Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that is a danger to the public health, safety, and welfare of residents or employees including, but not limited to, vehicles that are on cinder blocks/bricks, harbors rats, snakes or other vermin, have open and accessible interior or trunk, or exhibits broken windows, torn sheet metal, or exposed sharp metal.

9701.4 "DCHA Property" shall mean all property, including parking lots, sidewalks or internal DCHA driveways or streets owned or leased by DCHA.

9701.5 "Public Property" shall mean all property, including public streets, alleys, parking lots or other real property owned by the District of Columbia government.

9702 VEHICLES ON PUBLIC PROPERTY

9702.1 If DCHA observes an Abandoned, Nuisance, or Junk Vehicle on a public street or other public property properties, DCHA may contact the District of Columbia Department of Public Works, Abandoned and Junk Vehicle Division to have the vehicle removed from public property within the DCHA property.

9702.2 DCHA may not remove an Abandoned, Nuisance or Junk Vehicle located on Public Property. Only the District of Columbia Department of Public Works may remove such vehicles.

9703 STOLEN VEHICLES

9703.1 If DCHA determines that a vehicle is stolen, whether on DCHA Property or Public Property, the DCHA's Office of Public Safety shall report the vehicle stolen on the requisite Metropolitan Police Department report form

or DCHA staff shall notify the Metropolitan Police Department of the stolen vehicle.

9704 REMOVAL OF VEHICLES FROM DCHA PROPERTY

9704.1 If DCHA determines that a vehicle is a Nuisance Vehicle located on DCHA Property, DCHA may immediately remove the vehicle from DCHA Property.

9704.2 If DCHA determines a vehicle is an Abandoned or Junk Vehicle located on DCHA Property for more than 72 hours, a Notice of Infraction may be issued and a Warning Notice to Remove the Vehicle affixed to the vehicle.

9704.3 The Notice of Infraction may be issued and Warning Notice may be affixed by DCHA's Office of Public Safety, Metropolitan Police Department or other authorized appropriate District of Columbia officials.

9704.4 The owner of the Abandoned or Junk Vehicle will have seventy-two (72) hours to remove the vehicle from DCHA Property.

9704.5 Prior to proceeding under § 9705, DCHA will attempt to identify and contact the owner of the vehicle via telephone. In the event DCHA is able to contact the vehicle owner, DCHA will advise the owner of the following:

- (a) The owner's vehicle is parked on DCHA Property and inquire as to the owner's intention concerning the removal of the vehicle;
- (b) The owner's timely removal of the vehicle is necessary to avoid the vehicle being towed;
- (c) The vehicle was issued a Notice of Infraction for being parked on DCHA's Property; and
- (d) The process for recovering the vehicle if towed from DCHA Property.

9705 TOWING OF VEHICLES

9705.1 DCHA will make two attempts to contact the owner of a vehicle that has been issued a Notice of Infraction for being parked on DCHA's Property as provided for under Section 9704 above. The attempts will be no less than twenty-four (24) hours apart.

9705.2 If DCHA is unable to contact the owner of a vehicle after two attempts, DCHA will proceed with the removal of the vehicle from DCHA Property.

9705.3 If the vehicle is not removed from DCHA Property within 72 hours of the issuance of the Notice of Infraction and Warning Notice, DCHA will have the vehicle removed by contacting either:

- (a) The District of Columbia Department of Public Works, Abandoned and Junk Vehicle Division; or
- (b) A tow crane operator licensed with the District of Columbia.”

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing within twenty-one (21) days after the date of publication of this notice in the D.C. Register. Comments should be filed with the Office of the General Counsel, DCHA, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599. Copies of these proposed rules may be obtained from the DCHA at that same address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., SUITE 200, WEST TOWER
WASHINGTON, D.C. 20005

NOTICE OF PROPOSED RULEMAKING

FORMAL CASE NO. 712, IN THE MATTER OF THE INVESTIGATION INTO THE
PUBLIC SERVICE COMMISSION'S RULES OF PRACTICE AND PROCEDURE

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice of its intent to amend Section 609.7 in Chapter 6, "Pay Telephones," of Title 15 of the District of Columbia Municipal Regulations ("DCMR").¹ The Commission shall act on this proposed amendment in not less than 45 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. Section 609 requires Pay Telephone Service Providers ("PSPs") to comply with certain and specific operational requirements with respect to the provision of pay telephone services. Through this amendment, the Commission proposes to add specific language in that section imposing a duty on PSPs to use all reasonable means to keep their pay telephones graffiti-free, and to maintain them in a clean and sanitary condition.

Currently, Section 609.7 reads:

PSPs shall adequately maintain their pay telephones at all times.

Proposed amended Section 609.7 (a)—(b) shall read:

PSPs shall adequately maintain their pay telephones at all times.

(a) **The PSPs' duty to provide adequate maintenance to their pay telephones shall apply not only to the performance and operational characteristics of pay telephones as outlined in Sections 609.1 to 609.6, and 609.8, but shall also include the PSPs' duty to take all reasonable measures necessary to keep their pay telephone instruments and housing clean and presentable for public use, absent of any debris, unsanitary substances or defacement, including graffiti, unlawful writings, markings, gougings, and scratchings; and**

(b) **PSPs shall remediate any noncompliance respecting this section according to the requirements outlined in Section 609.9, *infra*.**

3. The proposed amendment to Section 609.7 may be reviewed at the Office of the

¹ 15 DCMR § 600 *et seq.* (2001).

Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of this Notice are available upon request, at a per-page reproduction cost.

4. Comments on the proposed amendment to Section 609.7 must be made in writing to Sanford M. Speight, Acting Commission Secretary, at the above address. The Commission shall limit its consideration of comments to those pertaining specifically to Section 609.7, but welcomes any additional revisions to the language in the proposed amendment. All comments must be received within 45 days of the date of publication of this NOPR in the *D.C. Register*. Persons wishing to file reply comments may do so no later than 60 days of the date of publication of this NOPR in the *D.C. Register*. Once the comment and reply comment period has expired, the Commission will take final rulemaking action on this proposed amendment to Chapter 6, Section 609.7.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., WEST TOWER, SUITE 200
WASHINGTON, DC 20005

NOTICE OF PROPOSED RULEMAKING

Formal Case No. 712, In the Matter of the Investigation into the Public Service
Commission's Rules of Practice and Procedure

The Public Service Commission of the District of Columbia ("DCPSC"), pursuant to its authority under D.C. Code, 2001 Ed. § § 34-802 and 34-2002(h) hereby gives notice of its intent to adopt the following amendments to Chapter 26 of Title 15 DCMR. The amendments change rules for the enforcement and interpretation of agreements required by the federal Telecommunications Act of 1996 (specifically 47 U.S.C. § 252) and the District Telecommunications Competition Act of 1996 (D.C. Code, 2001 Ed. § 34-2001 *et seq.*). The Commission gives notice of its intent to take final rulemaking action not less than thirty (30) days after publication of this notice in the *D.C. Register*.

**CHAPTER 26 RULES IMPLEMENTING SECTION 252 OF THE
FEDERAL TELECOMMUNICATIONS ACT OF 1996**

2600 APPLICABILITY

The provisions of this Chapter shall apply to negotiations, mediations, and arbitrations of agreements or amended agreements among telecommunications carriers ~~local exchange carriers~~ pursuant to Section 252 of the federal Telecommunications Act of 1996 (47 U.S.C. § 252) and the District Telecommunications Competition Act of 1996 (D.C. Code, 2001 Ed. § 34-2002~~43-1452~~). The provisions of this Chapter shall also apply to interpretation and enforcement of these agreements.

**2601 NOTICE OF REQUESTS FOR VOLUNTARY NEGOTIATION OF
AGREEMENTS PURSUANT TO SECTION 252 OF THE ACT**

Any telecommunications carrier requesting voluntary negotiation pursuant to 47 U.S.C. § 252(a)(1) shall notify the Commission, in writing, of its request within one (1) business day of the date that it notifies the local exchange carrier of its request for negotiation, renegotiation, or extension of the negotiation time period.

2602 FILING NOTICES PURSUANT TO SECTIONS 2601

2602.1 The Commission's procedural rules shall not apply to notices submitted under section 2601, except as provided in this Chapter.

- 2602.2 All notices shall be signed by a duly designated representative of the telecommunications carrier filing the notice.
- 2602.3 An original and fifteen (15) copies of each notice shall be filed with the Office of the Commission Secretary.
- 2602.4 Any telecommunications carrier shall serve the notice on any other telecommunications carrier or carriers involved in the negotiation that is the subject of the notice.

2603 ———FILING NEGOTIATED AGREEMENTS WITH THE COMMISSION

- 2603.1 Within five (5) business days of the date that any telecommunications carrier executes a binding negotiated agreement pursuant to 47 U.S.C. § 252(a), the parties to the negotiated agreement shall jointly file an original and fifteen (15) copies of the negotiated agreement and any supporting documentation with the Office of the Commission Secretary.
- 2603.2 All negotiated agreements filed with the Commission pursuant to this section shall include a detailed schedule of itemized charges for interconnection and for each service or network element included in the negotiated agreement.

2604 COMMISSION PROCEEDINGS FOR REVIEW OF NEGOTIATED AGREEMENTS

Within ninety (90) calendar days of the date that a negotiated agreement is filed with the Commission, the Commission shall either approve or reject the negotiated agreement, or any portion thereof, in accordance with the standards set forth in 47 U.S.C. § 252(e)(2). The Commission shall make written findings as to any deficiencies in the negotiated agreement if the negotiated agreement is rejected.

2605 FILING REQUESTS FOR MEDIATION PURSUANT TO 47 U.S.C. § 252(a)(2)

- 2605.1 Pursuant to 47 U.S.C. § 252(a)(2), any telecommunications carrier, including the incumbent local exchange carrier, participating in voluntary negotiation pursuant to 47 U.S.C. § 252(a)(1), may, at any point in the negotiation, file a request for the Commission to participate in the negotiation and to mediate any differences arising in the course of the negotiation.
- 2605.2 A request for mediation shall be in writing and shall include, at a minimum, the following:

- (a) The name, address, and main telephone number of the telecommunications carrier requesting mediation;
 - (b) The name, title, business address, telephone number, fax number, and e-mail address (if available) of the person(s) who will be representing the requesting carrier during the mediation process;
 - (c) A complete list of all telecommunications carriers that participated in the negotiation that is the subject of the request for mediation;
 - (d) A statement of any issues that are unresolved by the mediating parties;
 - (e) A statement of any issues that have been resolved by the mediating parties;
 - (f) A statement of those issues for which the requesting carrier requests mediation; and
 - (g) A statement outlining the positions of each mediating party regarding the unresolved issues, listing any areas of potential compromise.
- 2605.3 An original and fifteen (15) copies of a request for mediation shall be filed with the Office of the Commission Secretary. A request for mediation shall be served on the telecommunications carrier or carriers that participated in the negotiation that is the subject of the request for mediation.
- 2605.4 The Commission's procedural rules shall not apply to the requests for mediation, except as provided in this Chapter.
- 2606 APPOINTMENT OF A MEDIATOR PURSUANT TO 47 U.S.C. § 252(a)(2)**
- The Commission shall appoint a mediator(s). The mediator may be a Commission staff member, and/or any competent, impartial, and disinterested person. The requesting carrier and all participants in the negotiation for which mediation has been requested shall be notified by the Commission Secretary of the appointment of the mediator(s) within five (5) business days of the date on which the request for mediation is filed.
- 2607 DUTIES OF THE MEDIATOR**

- 2607.1 The mediator functions to assist the parties move toward a resolution of any differences arising in the course of the negotiation. The mediator may not compel agreement, but shall provide assistance to the parties in reaching agreement.
- 2607.2 The mediator shall have the authority to schedule meetings of the parties; direct the parties to prepare for those meetings; determine the need for written submissions; conduct the dispute resolution process; hold separate caucuses when appropriate; upon request, assist the parties in preparing a written agreement resolving any differences; and terminate the dispute resolution process, if no agreement is reached after such period of time as the mediator deems reasonable.
- 2607.3 The mediator may take any actions deemed necessary to ensure the confidentiality of the mediation, including but not limited to, excluding persons not parties to the mediation from the sessions and requiring that parties sign any confidentiality and/or proprietary agreement that is deemed reasonable by the mediator as a condition of participating in the mediation.
- 2607.4 Within seven (7) business days of the conclusion of the mediation, the mediator shall submit a report to the Commission that lists each issue submitted by the parties for mediation and states the disposition of each issue.

2608 MEDIATION PROCESS

- 2608.1 The parties to the mediation shall be the requesting carrier, ~~the incumbent local exchange carrier,~~ the responding carrier, and any other telecommunications carrier that has agreed to participate in the mediation at the request of the requesting or responding party.
- 2608.2 Statements made during the mediation shall be confidential, unless the party making the disclosure waives the confidentiality of the disclosure. Any materials, which the submitting mediating party deems to be confidential and/or proprietary, shall be submitted under seal and shall not be used except in connection with the mediation. All materials submitted under seal shall be made available only to the mediator and to the mediating parties that have signed a confidentiality and/or proprietary agreement. Subsections 150.9 and 150.10 of the Commission's procedural rules shall apply to all documents submitted under seal during mediation.
- 2608.3 All parties to the mediation shall negotiate in good faith. Refusal to continue to negotiate during mediation may be considered a failure to negotiate in good faith pursuant to 47 U.S.C. § 252(b)(5) and may be

considered by the Commission in its deliberations under 47 U.S.C. § § 251 and 271.

2609 PETITIONS FOR ARBITRATION PURSUANT TO 47 U.S.C. § 252(b)

- 2609.1 Any telecommunications carrier, including the incumbent local exchange carrier, participating in voluntary negotiation pursuant to 47 U.S.C. § 252(a)(1), may, during the period between the 135th day and the 160th day (inclusive) after the date on which the incumbent local exchange carrier received the telecommunications carrier's request for negotiation, file with the Commission a petition requesting arbitration of any open issues.
- 2609.2 An original and fifteen (15) copies of the arbitration petition shall be filed with the Office of the Commission Secretary.
- 2609.3 All arbitration petitions filed with the Commission pursuant to 47 U.S.C. § 252(b)(1) shall be signed by a duly authorized representative of the petitioning carrier and shall include:
- (a) The name, address, and main telephone number of the petitioning carrier;
 - (b) The name, title, business address, telephone number, fax number, and e-mail address (if available) of the person(s) who will be representing the petitioning carrier during the arbitration proceeding;
 - (c) A complete list of all telecommunications carriers that participated in the negotiation that is the subject of the arbitration petition;
 - (d) A statement of any issues that have been resolved by the negotiating parties;
 - (e) A statement of any issues that have not been resolved by the negotiating parties;
 - (f) A statement outlining the positions of each negotiating party regarding the unresolved issues;
 - (g) All relevant documentation that supports the petitioning carrier's position concerning the unresolved issues;
 - (h) Any request for an order for the production of information pursuant to 47 U.S.C. § 252(b)(4)(B); and

- (i) A statement as to whether the petitioning carrier requests an evidentiary hearing.
- 2609.4 The only parties to the arbitration shall be the petitioning carrier, ~~the incumbent local exchange carrier, the responding carrier,~~ and any other carrier that participated in the voluntary negotiation that is the subject of the petition.
- 2609.5 Any petitioning carrier shall serve a copy of the arbitration petition and any supporting documentation on all other parties to the arbitration.
- 2609.6 The Commission may reject any arbitration petition that is not filed within the time period prescribed by subsection 2609.1. Rejected arbitration petitions shall be returned to the petitioning carrier.
- 2610 RESPONSES TO ARBITRATION PETITIONS**
- 2610.1 Within three (3) business days of receipt of a timely and complete arbitration petition, the Commission Secretary shall notify, by facsimile, first class mail, or other method as the Commission Secretary deems appropriate, the other party(ies) of the date that the Commission received the arbitration petition and of the right to respond to the arbitration petition.
- 2610.2 A telecommunications carrier participating in the negotiation that is the subject of the arbitration may file a response to the arbitration petition. An original and fifteen (15) copies of the response shall be filed with the Commission Secretary within twenty-five (25) calendar days of the date that the Commission received the arbitration petition. The response shall be served on all telecommunications carriers that participated in the negotiation that is the subject of the arbitration petition.
- 2610.3 All responses to the arbitration petition shall include, at a minimum:
- (a) The name, address, and main telephone number of the responding carrier;
 - (b) The name, title, business address, telephone number, fax number, and e-mail address (if available) of the person(s) who will be representing the responding carrier during the arbitration proceeding;
 - (c) A statement of any issues that have been resolved by the arbitrating parties, if different from those stated in the arbitration petition;
 - (d) A statement of any issues that are unresolved by the arbitrating parties, if different from those stated in the arbitration petition;

- (e) A statement outlining the positions of each participant in the negotiation regarding the unresolved issues, if different from those stated in the arbitration petition;
- (f) All relevant documentation that supports the responding carrier's position concerning the unresolved issues;
- (g) Any request for an order for the production of information pursuant to 47 U.S.C. § 252(b)(4)(B);
- (h) A statement as to whether the responding carrier requests an evidentiary hearing; and
- (i) A certificate of service attesting that a copy of the response and all supporting documentation has been served on all other parties to the arbitration.

2611 APPOINTMENT OF AN ARBITRATOR

2611.1 The Commission shall appoint either an arbitrator or an arbitration panel. The size and composition of the arbitration panel shall be based on the nature of the issues in dispute. If a panel is appointed, the Commission shall designate the chair for the panel. The Commission Secretary shall promptly notify the parties by facsimile, first class mail, or other appropriate communication methods of the appointment of the arbitrator or the arbitration panel.

2611.2 By agreement of the parties, the Commission may appoint the same person(s) who served as mediator(s) to act as arbitrator(s) if no mediated agreement was reached.

2612 POWERS OF THE ARBITRATOR

2612.1 Pursuant to 47 U.S.C. § 252(b)(4)(A), the arbitrator or arbitration panel shall consider only those issues set forth in the arbitration petition and any response thereto.

2612.2 The arbitrator or arbitration panel shall be delegated all powers necessary to conduct a fair, impartial, and expeditious proceeding, including but not limited to the power to:

- (a) Administer oaths and affirmations;
- (b) Issue subpoenas;
- (c) Rule on motions;
- (d) Compel the production of information pursuant to 47 U.S.C. § (b)(4)(B);
- (e) Regulate the course of the proceeding consistent with this section;
- (f) Require conferences and evidentiary hearings, and set the time and place for such conferences and hearings;
- (g) Require the submission of legal memoranda and briefs;
- (h) Call and examine witnesses, including Commission staff;
- (i) Limit the number of witnesses offering testimony;

- (j) Exclude evidence and witnesses whose testimony is irrelevant, immaterial, or unduly repetitious;
- (k) Require written testimony; and
- (l) Prepare the arbitration decision ~~Decide this matter in accordance with section 2617,~~ and
- (m) ~~Exercise all of the authority of the Commission pursuant to 47 U.S.C. 252(b).~~

2613 ARBITRATION PROCEEDINGS

- 2613.1 If there is any conflict between the Commission's procedural rules and the rules of this Chapter, the rules of this Chapter shall supercede the Commission's procedural rules.
- 2613.2 Section 150 of the Commission's procedural rules shall apply to all arbitration proceedings conducted pursuant to this Chapter.
- 2613.3 *Ex parte* communications with the arbitrator or arbitration panel that do not relate to a matter of procedure are prohibited while the arbitration proceeding is pending. In the event of a prohibited communication, the arbitrator or arbitration panel shall be guided by section 108 of the Commission's procedural rules.
- 2613.4 The arbitrator or arbitration panel shall establish the procedural schedule.
- 2613.5 If the arbitrator or arbitration panel determines that a hearing is necessary, the hearing shall be conducted in a fair and impartial manner, in accordance with the following procedures:
- (a) The arbitrator or chair of the arbitration panel shall provide reasonable notice to the arbitrating parties of the time and place of the hearing;
 - (b) The arbitrator or chair of the arbitration panel shall give each arbitrating party an opportunity, which may be waived, to make an opening statement;
 - (c) The arbitrator or chair of the arbitration panel shall afford each arbitrating party an opportunity to present oral or written testimony and documentary evidence, and shall determine the order of the presentation of the evidence;

- (d) In ruling on evidentiary questions, the arbitrator or chair of the arbitration panel shall be guided by, but need not strictly adhere to, the Federal Rules of Evidence;
 - (e) The arbitrator or chair of the arbitration panel shall require all witnesses to testify under oath or affirmation;
 - (f) The arbitrator or chair of the arbitration panel may permit the arbitrating parties to cross-examine witnesses;
 - (g) The arbitrator or chair of the arbitration panel may postpone any hearing upon a joint request of the arbitrating parties, *sua sponte*, or for good cause shown in a motion filed by any party to the proceeding at least two (2) business days before the date of any hearing;
 - (h) Each arbitrating party shall have the opportunity, which may be waived, to present a closing argument;
 - (i) The arbitrator or chair of the arbitration panel may conduct the hearing in the absence of any arbitrating party or representative who, after proper notice, fails to be present or request a postponement;
 - (j) The arbitrator or chair of the arbitration panel shall make an stenographic, audio, or video tape recording of the arbitration hearing;
 - (k) The evidentiary record will close following closing arguments or the first business day following the deadline set for the receipt of written briefs, or at such time as the arbitrator determines; and
 - (l) The arbitrator or chair of the arbitration panel shall take necessary action to avoid delay in the disposition and conduct of the hearing.
- 2613.6 Notwithstanding any other provision of this Chapter, the arbitrating parties may agree on different arbitration procedures, which may be accepted by the arbitrator or arbitration panel.
- 2613.7 If no hearing is held, then the evidentiary record shall close on the day following the date set by the arbitrator or arbitration panel as the final date for receipt of submissions from the arbitrating parties, or at some other date that the arbitrator or arbitration panel determines.
- 2613.8 If the arbitrator or arbitration panel directs an arbitrating party to provide information and that party fails or refuses to respond within the time limit

set, the arbitrator or arbitration panel may reach a decision on the issues in the arbitration proceeding based on the best information available, from whatever source derived, as provided in 47 U.S.C. § 252(b)(4)(B).

2613.9 If the act or omission of an arbitrating party impedes the expeditious resolution of the issues, an arbitrator or arbitration panel may make such orders in regard to the act or omission as are just, including, but not limited to, an order limiting a party's claims, defenses and/or evidence; striking pleadings or parts thereof; dismissing the petition; or granting judgment by default. The arbitrator may also determine that the act or omission constitutes a failure to negotiate in good faith pursuant to 47 U.S.C. § 252(b)(5), and shall notify the Commission of that determination. The Commission may consider a determination that a party failed to negotiate in good faith in its deliberations pursuant to 47 U.S.C. §§ 251 and 271.

2614 CONSOLIDATION OF PROCEEDINGS

2614.1 In order to reduce administrative burdens on telecommunications carriers and/or the Commission, the Commission may, *sua sponte* or upon the motion of a party in any arbitration, interpretation, or enforcement proceedings, consolidate arbitration, interpretation, or enforcement proceedings, in whole or in part, pursuant to 47 U.S.C. § 252(g).

2614.2 In a consolidated arbitration proceeding, all petitioning and responding carriers participating in the separate arbitration, interpretation, or enforcement proceedings shall participate as parties in the consolidated proceeding.

2615 PROPOSED FINAL RESOLUTION

2615.1 At the time that the arbitrator or arbitration panel determines, each arbitrating party shall file with the Commission Secretary an original and fifteen (15) copies of its proposed final resolution of each issue identified in the petition and response and the proposed schedule for implementation of those terms and conditions. The proposed final resolution shall meet the requirements of 47 U.S.C. § 251, including the regulations promulgated by the Federal Communications Commission pursuant to that section.

2615.2 Any arbitrating party filing a proposed final resolution shall serve a copy of the resolution on all other arbitrating parties no later than the date on which the petition is filed with the Commission. The proposed final resolution shall be accompanied by a certificate of service.

2616 VOLUNTARY TERMINATION OF ARBITRATION PROCEEDINGS

If after the initiation of an arbitration proceeding, the arbitrating parties reach a negotiated agreement that resolves all of the issues submitted for arbitration, the arbitrating parties shall file a joint request to dismiss the arbitration petition. The Commission may review and grant this request.

2617 ARBITRATION DECISIONS

2617.1 ~~Not later than nine (9) months after the date on which an incumbent local exchange carrier receives the request for voluntary negotiation pursuant to 47 U.S.C. § 252(a)(1),~~ Within thirty (30) days of the close of the record, the arbitrator or arbitration panel shall issue an arbitration decision that satisfies the requirements of 47 U.S.C. § 252(c). The arbitrator or arbitration panel shall consider all evidence presented by the parties. The arbitration decision shall explain the reasons for the decision on each issue submitted for arbitration and shall establish a deadline for executing an arbitration agreement.

2617.2 The arbitrator or arbitration panel shall use final offer arbitration, except as otherwise provided in this section. The final offer of each arbitrating party shall be the final resolution filed with the Commission pursuant to section 2615.

2617.3 The arbitrator or arbitration panel shall adopt the proposed final resolution of one of the arbitrating parties for each issue submitted for arbitration.

2617.4 If the arbitrator or arbitration panel determines that any final resolution does not satisfy the requirements of 47 U.S.C. § 252(c), the arbitrator or arbitration panel may take any action designed to result in an arbitration agreement that satisfies 47 U.S.C. § 252(c).

2617.5 The arbitrator or chair of the arbitration panel shall write the arbitration decision, which must be signed by at least a majority of the panel. The arbitrator or chair of the arbitration panel shall submit the signed arbitration decision to the Commission Secretary.

2617.6 The Commission Secretary shall serve a copy of the arbitration decision on the arbitrating parties by registered mail or any other appropriate method no later than the first business day following receipt of the arbitration decision from the arbitrator or chair of the arbitration panel.

**2618 ~~COMMISSION ACTION ON THE RECONSIDERATION OF~~
THE ARBITRATION DECISION**

The Commission shall review the arbitration decision and issue an order to adopt, reject, or modify the arbitration decision. If Aany arbitrating party chooses to may appeal the arbitration decision, that arbitrating party shall file its appeal with the Commission petition the Commission for reconsideration of the arbitration decision within thirty (30) ten (10) calendar days after the filing of the arbitration decision. An original and fifteen (15) copies of the appeal petition for reconsideration must be filed with the Commission Secretary, with a copy served on the arbitrator or arbitration panel and the other arbitrating party(ies) on the same day that the petition is filed with the Commission. The Commission shall have thirty (30) days to review the appeal petition for reconsideration. The Commission shall adopt, modify, or reject the arbitration decision by order no later than nine (9) months after the date on which the telecommunications carrier requested negotiation.—

2619 ARBITRATION AGREEMENTS

- 2619.1 ~~If no petition for reconsideration is filed, within forty five (45) calendar days after the filing of the arbitration decision, the arbitrating parties shall execute a binding agreement that conforms to the arbitration decision. If a petition for reconsideration is filed, then~~ **The arbitrating parties shall have thirty (30) days from a Commission order decision affirming adopting an arbitration decision to file the arbitration agreement.** ~~If the Commission does not act on the petition for reconsideration within thirty (30) days, thereby denying the petition pursuant to D.C. Code § 43-904(b), the arbitrating parties shall have thirty (30) days after the expiration of the reconsideration period to file the arbitration agreement.~~
- 2619.2 **If the arbitrating parties are unable to agree on whether a proposed provision conforms to the arbitrated decision, either party may request that the arbitrator or arbitration panel that issued the arbitration decision determine whether a proposed provision conforms to the arbitration decision.**
- 2619.3 **An original and fifteen (15) copies of a request to review a proposed provision shall be filed with the Office of the Commission Secretary.**
- 2619.4 **The arbitrator or arbitration panel may adopt any proposed provision that conforms to the arbitration decision. Unless the arbitrating parties otherwise agree, the proposed provision adopted by the arbitrator or arbitration panel shall be incorporated into the arbitration agreement.**
- 2619.5 **Within five (5) business days of the date that the arbitrating parties agree to execute a binding arbitrated agreement, the parties shall jointly file an original and fifteen (15) copies of the arbitration agreement and any supporting documentation with the Office of the Commission Secretary.**

The parties shall serve a copy of the arbitration agreement and any supporting documentation on the arbitrator or arbitration panel on the date the arbitration agreement is filed with the Commission.

2619.6 The date that an arbitration agreement is filed with the Commission shall be deemed the date that the arbitration agreement was submitted for approval for the purposes of 47 U.S.C. § 252(e)(4).

2620 COMMISSION PROCEEDINGS FOR REVIEW OF ARBITRATION AGREEMENTS

Within thirty (30) calendar days of the date that an arbitration agreement is submitted to the Commission, the Commission shall either approve or reject the arbitration agreement, or portions thereof, in accordance with the standards of 47 U.S.C. § 252(e)(2). The Commission shall make written findings as to any deficiencies in the arbitration agreement when the agreement is rejected.

2621 PUBLIC INSPECTION OF AGREEMENTS

Pursuant to 47 U.S.C. § 252(h), the Commission shall make a copy of each negotiated, mediated, or arbitrated agreement approved under this Chapter available for public inspection and copying within ten (10) days after Commission approval of the agreement.

2622 PETITIONS FOR INTERPRETATION OR ENFORCEMENT OF AGREEMENTS APPROVED PURSUANT TO 47 U.S.C. § 252(e)

2622.1 Any telecommunications carrier, including the incumbent local exchange carrier, may file with the Commission a petition requesting interpretation or enforcement of an agreement approved pursuant to 47 U.S.C. § 252(e) of the Telecommunications Act, D.C. Code, 2001 Ed. § 34-2002(h), Ann. § 43-1452(h) and these rules.

2622.2 An original and fifteen (15) copies of the interpretation or enforcement petition shall be filed with the Office of the Commission Secretary.

2622.3 All interpretation or enforcement petitions filed with the Commission shall be signed by a duly authorized representative of the petitioning carrier and shall include:

~~(i)~~(a) The name, address, and main telephone number of the petitioning carrier;

~~(j)~~(b) The name, title, business address, telephone number, fax number, and e-mail address (if available) of the person(s) who will be representing the petitioning carrier during the interpretation or enforcement proceeding;

~~(k)~~(c) A complete list of all telecommunications carriers that are parties to the approved agreement;

~~(l)~~(d) A statement of the disputed issues that give rise to the interpretation or enforcement petition;

~~(m)~~(e) A statement outlining the positions of each party to the approved agreement regarding the disputed issues;

~~(n)~~(f) All relevant documentation that supports the petitioning carrier's position concerning the disputed issues; and

~~(o)~~(g) A statement as to whether the petitioning carrier requests an evidentiary hearing.

2622.4 The only parties to the interpretation or enforcement proceeding shall be the parties to the approved agreement.

2622.5 Any petitioning carrier shall serve a copy of the interpretation or enforcement petition and any supporting documentation on all other parties to the approved agreement.

2623 RESPONSES TO INTERPRETATION OR ENFORCEMENT PETITIONS

2623.1 A party to the approved agreement that is the subject of the interpretation or enforcement proceeding may file a response to the interpretation or enforcement petition. An original and fifteen (15) copies of the response shall be filed with the Commission Secretary within twenty-five (25) calendar days of the date that the Commission received the interpretation or enforcement petition. The response shall be served on all telecommunications carriers that are parties to the approved agreement.

2623.2 All responses to the interpretation or enforcement petition shall include, at a minimum:

~~(j)~~(a) The name, address, and main telephone number of the responding carrier;

~~(k)~~(b) The name, title, business address, telephone number, fax number, and e-mail address (if available) of the person(s) who will be representing

the responding carrier during the interpretation or enforcement proceeding;

~~(l)~~(c) A statement of any disputed issues, if different from those stated in the interpretation or enforcement petition;

~~(m)~~(d) A statement outlining the positions of each party to the approved agreement regarding the disputed issues, if different from those stated in the interpretation or enforcement petition;

~~(n)~~(e) All relevant documentation that supports the responding carrier's position concerning the disputed issues;

~~(o)~~(f) A statement as to whether the responding carrier requests an evidentiary hearing; and

~~(p)~~(g) A certificate of service attesting that a copy of the response and all supporting documentation has been served on all other parties to the interpretation or enforcement proceeding.

2624 COMMISSION REVIEW OF INTERPRETATION OR ENFORCEMENT PETITIONS

2624.1 Upon receipt of the interpretation and enforcement petition and any response, the Commission or its designated agent shall determine the procedural schedule for the interpretation or enforcement proceeding.

2624.2 If the Commission determines that a hearing is necessary, then the Commission shall follow the procedures outlined in Section 2613.5. The Commission shall determine whether or not to schedule a hearing within thirty (30) days of the filing of the response to the interpretation or enforcement petition. Any hearing shall be scheduled within thirty (30) days of the date of this determination.

2624.3 Notwithstanding any other provision of this Chapter, the parties involved in the interpretation or enforcement proceeding may agree on different interpretation or enforcement procedures, which may be accepted by the Commission.

2624.4 If no hearing is held, then the evidentiary record shall close on the day following the date set by the Commission as the final date for receipt of submissions from the parties to the interpretation or enforcement proceeding, or at some other date that the Commission determines.

2624.5 If the Commission directs a party to the interpretation or enforcement proceeding to provide information and that party fails or refuses to

respond within the time limit set, the Commission may reach a decision on the issues in the interpretation or enforcement proceeding based on the best information available, from whatever source derived.

- 2624.6 If the act or omission of a party to the interpretation or enforcement proceeding impedes the expeditious resolution of the issues, the Commission may make such orders in regard to the act of omission as are just, including, but not limited to, an order limiting a party's claims, defenses, and/or evidence; striking pleadings or parts thereof; dismissing the petition, or granting judgment by default or determine that the act or omission constitutes a failure to negotiate in good faith pursuant to 47 U.S.C. § 252(b)(5). The Commission may consider a determination that a party failed to negotiate in good faith in its deliberations pursuant to 47 U.S.C. § § 251 and 271.
- 2624.7 After review of the documentation presented by the parties to the interpretation or enforcement proceeding and the review of the hearing transcript, if any, the Commission shall issue an order that may include, but is not limited to: interpretations of provisions of the approved agreement; orders of specific performance of any provision in the approved agreement; or amendment of the approved agreement. If ~~the~~ the Commission designates an agent to schedule a hearing or hear testimony, the Commission's agent shall issue its interpretation or enforcement decision ~~order~~ within thirty (30) days after the hearing date or the close of the evidentiary record, whichever is later. If the Commission chooses not to designate an agent, then the Commission shall issue an order within thirty (30) days after the hearing date or the close of the evidentiary record, whichever is later.
- 2624.8 If the Commission designates an agent, the Commission shall review any interpretation or enforcement decision by the Commission's agent and issue an order to adopt, modify, or reject the interpretation or enforcement decision within thirty (30) days of the issuance of the interpretation or enforcement decision. If any party to the interpretation or enforcement proceeding chooses to appeal the interpretation or enforcement decision to the Commission, that party shall file its appeal within ten (10) days after the issuance of the interpretation or enforcement decision. An original and fifteen copies of the appeal shall be filed with the Commission Secretary, with a copy served on the Commission's agent and the other parties to the interpretation or enforcement proceeding on the same day that the appeal is filed with the Commission. The Commission shall have thirty days from the submission of the appeal to review the appeal and issue an order adopting, modifying, or rejecting the interpretation or enforcement decision.

2624.98 If the Commission orders the amendment of the approved agreement, the parties shall submit a new agreement to the Commission for approval within thirty (30) days of the issuance of the Commission order requiring the amendment of the approved agreement.

2625 ASSESSMENT OF COSTS

2625.1 Pursuant to D.C. Code, 2001 Ed. § 34-91243-612(b)(7)(A), the Commission may assess each participating carrier a portion of the actual costs of any mediation, arbitration, interpretation, or enforcement proceeding conducted pursuant to this Chapter. Costs shall be assessed on a nondiscriminatory basis.

2625.2 Pursuant to 47 U.S.C. § 252(h), the Commission may assess each participating party a portion of the costs for proceedings conducted pursuant to sections 2603 and 2604. Costs shall be assessed on a reasonable and non-discriminatory basis.

2626 WAIVER

The Commission may, for good cause, waive any rule under this Chapter unless the rule contains a provision that is expressly required by statute.

2699 DEFINITIONS

The following words and terms, when used in this Chapter, shall have the following definitions unless the context clearly states otherwise:

“Approved agreement” means an agreement approved by the Commission pursuant to Section 252 of the Telecommunications Act of 1996, D.C. Code, 2001 Ed. § 34-2002(h) § 43-1452(h), and Section 2604.

“Arbitrating party” means one of the telecommunications carriers participating in the arbitration proceeding.

“Arbitration agreement” means the agreement or amended agreement reached by the arbitrating parties pursuant to the arbitration decision.

“Arbitration decision” means the signed decision of the arbitrator or the arbitration panel.

“Arbitration petition” means a petition filed by a telecommunications carrier requesting the Commission for arbitration pursuant to 47 U.S.C. § 252(b).

“Requesting carrier” means a telecommunications carrier that files a request for mediation pursuant to 47 U.S.C. § 252(a)(2).

“Responding carrier” means a telecommunications carrier that responds to a request for mediation or an arbitration, enforcement, or interpretation petition.

“Telecommunications” means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

“Telecommunications carrier” means any provider of telecommunications services, except that the term does not include aggregators of telecommunications services as defined in 47 U.S.C. § 226.

“Telecommunications service” means the offering of telecommunications for a fee directly to the public or to such classes of users as to be effectively available to the public, regardless of the facilities used.

All persons interested in commenting on the subject matter of this proposed rulemaking action may submit comments, in writing, not later than thirty (30) days after publication of this notice in the D.C. Register with Sanford M. Speight, Acting Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, DC 20005. Copies of these proposed rules may be obtained, at cost, by writing the Commission Secretary at the above address.