

ISSUE DATE: February 25, 1997

DOCKET NO. P-407,466/M-96-1111

ORDER EXTENDING DEADLINE FOR FILING CONTRACT

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Edward A. Garvey
Joel Jacobs
Marshall Johnson
Mac McCollar
Don Storm

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of Sprint Communications
Company L.P.'s (Sprint's) Petition for
Arbitration with Contel of Minnesota, Inc.
d/b/a GTE Minnesota (GTE) Pursuant to
Section 252(b) of the Federal
Telecommunications Act of 1996

ISSUE DATE: February 25, 1997

DOCKET NO. P-407,466/M-96-1111

ORDER EXTENDING DEADLINE FOR
FILING CONTRACT

PROCEDURAL HISTORY

On April 19, 1996 Sprint Communications Company L.P. (Sprint) served on Contel of Minnesota, Inc. d/b/a GTE Minnesota (GTE) a written request to negotiate terms of interconnection, resale, and network unbundling under the Federal Telecommunications Act of 1996. Pub. L. No. 104-104, 110 Stat. 56. The parties failed to reach agreement on some issues, and on September 25, 1996 Sprint petitioned the Commission for arbitration under 47 U.S.C. § 252(b).

On January 21, 1997 the Commission issued its ORDER RESOLVING ARBITRATION ISSUES. In that Order the Commission resolved the issues submitted for arbitration and directed GTE and Sprint to file a final contract containing all arbitrated and negotiated terms by February 21, 1997 for review under 47 U.S.C. § 252(e).

On February 14, 1997 Sprint filed a motion to extend the deadline for filing the contract to April 11, 1997, or four weeks from the date the Commission is expected to approve a final contract in the pending arbitration between AT&T and GTE.¹ Sprint stated it wished to adopt the GTE/AT&T contract in its entirety under 47 U.S.C. § 252 (i).

On February 18, 1997 GTE filed a reply, stating that it did not object to a two-week extension to finalize the contract on which the parties had been working, but that it did object to any extension for purposes of adopting the GTE/AT&T contract.

The matter came before the Commission on February 20, 1997. Both companies and the

¹ In the Matter of AT&T Communications of the Midwest, Inc.'s Petition for Arbitration with Contel of Minnesota, Inc. d/b/a GTE Minnesota under Section 252(b) of the Federal Telecommunications Act of 1996, Docket No. P-442,407/M-96-939.

Department of Public Service (the Department) appeared.

FINDINGS AND CONCLUSIONS

I. Positions of the Parties

Sprint stated that it believed it had a statutory right to adopt the GTE/AT&T contract, that it would file a motion asserting that right within a week, and that it would be a misallocation of resources to require the companies to continue working on the arbitrated contract until the motion was decided.

GTE disputed Sprint's interpretation of the statute, objected to the last-minute timing of the request, and urged the Commission to require Sprint to work with GTE to finalize the arbitrated contract.

The Department urged the Commission to hear the motion on an expedited basis before requiring the companies to finalize the arbitrated contract, to avoid any unnecessary expenditure of resources.

II. Commission Action

Sprint seeks to invoke its rights under 47 U.S.C. § 252 (i), which reads as follows:

A local exchange carrier shall make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.

47 U.S.C. § 252 (i).

The company claims this provision entitles it to adopt in its entirety the contract the Commission will approve in the GTE/AT&T arbitration. If that is true, there is probably no reason for the companies to continue working toward a contract incorporating the terms they negotiated earlier and the terms arbitrated by the Commission.

The Commission agrees with the Department that administrative efficiency requires resolving Sprint's § 252 (i) claim before requiring the companies to file a final contract. The Commission also agrees with GTE, however, that it is important not to derail a sound process in which the parties (and this Commission) have invested their good faith and considerable resources. The Commission will therefore set an expedited briefing and decision schedule.

Sprint will be required to file its motion and supporting legal memorandum on or before February 28, 1997. Initial comments will be filed two weeks later and reply comments one week after that. The Commission will delegate to the Executive Secretary the authority to vary

these timelines, to require further filings if necessary, and to schedule the motion for hearing as soon as practicable.

In the interests of administrative efficiency, the deadline for filing a final contract under the ORDER RESOLVING ARBITRATION ISSUES will be extended to a date set by later Commission Order.

ORDER

1. The final contract deadline set in ordering paragraph 3 of the January 21, 1997 Order in this docket is extended to a date to be set by later Order of the Commission.
2. On or before February 28, 1997 Sprint shall file its motion and legal memorandum asserting its claim of right to adopt the GTE/AT&T contract.
3. Initial comments on the motion shall be filed on or before March 14, 1997.
4. Reply comments shall be filed on or before March 21, 1997.
5. The Commission delegates to the Executive Secretary the authority to vary these timelines, to require other filings as necessary, and to schedule the motion for hearing as soon as practicable.
6. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

This document can be made available in alternative formats (i.e., large print or audio tape) by calling (612) 297-4596 (voice), (612) 297-1200 (TTY), or 1-800-627-3529 (TTY relay service).