

Decision 00-05-014 May 4, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition of Pacific Bell Telephone Company (U 1001 C) for Arbitration of an Interconnection Agreement with Roseville Telephone Company Pursuant to Section 252(b) of the Telecommunications Act of 1996.

Application 00-01-034
(Filed January 28, 2000)

OPINION

Pacific Bell Telephone Company (Pacific) and Roseville Telephone Company (Roseville) jointly move to withdraw this application without prejudice to a future filing in order to resume negotiations for an interconnection agreement pursuant to Section 252(b) of the Telecommunications Act of 1996.

Pacific and Roseville also seek approval of a joint stipulation setting agreed-upon dates to govern their further negotiations. The parties agree that December 14, 1999, shall be deemed to be the date that Roseville received from Pacific a request for negotiation of an interconnection agreement under the Telecommunications Act and Commission Resolution ALJ-178. As a consequence, the following dates would govern further proceedings in connection with the request for negotiation:

December 14, 1999 – Date on which Roseville is deemed to have received the request for negotiation.

April 27, 2000 – Date on which arbitration window opens pursuant to 47 U.S.C. § 252(b)(1).

May 22, 2000 – Date on which the arbitration window closes pursuant to 47 U.S.C. § 252(b)(1).

The joint motion to withdraw the application and the joint stipulation as to dates governing the negotiations arose during an Initial Arbitration Meeting conducted on March 1, 2000. At that meeting, the parties agreed that timeliness of Pacific's request for arbitration was at issue. They also suggested that further negotiations could be productive and could eliminate the need for arbitration.

We agree with the parties' requested course of action. It is counter-productive to make timeliness the defining issue in an arbitration when the central issue should be the development of a fair and equitable interconnection agreement. Accordingly, we will grant the withdrawal of this application and approve the stipulation of the parties as to the date on which a subsequent request for arbitration may be made.

Section 311(g)(2) – Uncontested decision grants relief requested

This is an uncontested matter in which the grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Pacific on January 28, 2000, petitioned for arbitration of an interconnection agreement between it and Roseville.
2. An Initial Arbitration Meeting was conducted on March 1, 2000.
3. At the Initial Arbitration Meeting, the parties agreed that timeliness of the petition for arbitration was at issue.
4. The parties agreed that this application should be withdrawn without prejudice to later filing, and the date of December 14, 1999 (when Pacific

submitted a revised request for negotiation to Roseville) should be deemed to be the date of Pacific's request.

Conclusions of Law

1. The parties' joint motion to withdraw Application 00-01-034 without further proceedings and without prejudice should be granted.
2. The Commission should approve the parties' joint stipulation that December 14, 1999, shall be deemed to be the date that Roseville received from Pacific a request for negotiation of an interconnection agreement.
3. The application should be closed.

O R D E R

IT IS ORDERED that:

1. The joint motion of Pacific Bell Telephone Company (Pacific) and Roseville Telephone Company (Roseville) to withdraw this application without prejudice is granted.
2. We approve the joint stipulation between the parties that December 14, 1999, shall be deemed to be the date that Roseville received from Pacific a request for negotiation of an interconnection agreement.
3. Application 00-01-034 is closed.

This order is effective today.

Dated May 4, 2000, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
CARL W. WOOD
Commissioners