

## CHAPTER 21. INTERCONNECTION AGREEMENTS FOR TELECOMMUNICATIONS SERVICE PROVIDERS

### Subchapter C. PRELIMINARY ISSUES, ORDERS, AND PROCEEDINGS.

#### §21.75. Motions for Clarification and Motions for Reconsideration.

- (a) **Motions for clarification.** This subsection only applies to motions for clarification of arbitration awards. Motions for clarification of an arbitration award may be made to the presiding officer requesting that an ambiguity be clarified or an error, other than an error of law, be corrected.
- (1) **Procedure.** A motion for clarification must be filed within ten working days of the issuance of the presiding officer's decision or order. The motion for clarification must be served on all parties by hand delivery, facsimile transmission, electronic mail, or by overnight courier delivery. Responses to a motion for clarification must be filed within five working days of the filing of the motion.
  - (2) **Content.** A motion for clarification must specify the alleged ambiguity or error and, as appropriate, include proposed language that corrects the alleged ambiguity or error.
  - (3) **Denial or granting of motion.** The presiding officer will grant or deny the motion within ten working days of the filing of the motion. If the motion is granted, the presiding officer will issue a decision or revised order within 15 working days of the filing of the motion.
- (b) **Motions for reconsideration.** Motions for reconsideration, appeals, or motions for rehearing must be styled accordingly and will be presented directly to the commission. For purposes of dispute resolution and approval proceedings the terms "motion for reconsideration," "appeal," and "motion for rehearing," are interchangeable.
- (1) **Limitations.**
    - (A) Only parties to the negotiation in a compulsory arbitration under §21.95 of this title (relating to Compulsory Arbitration) may file motions for reconsideration.
    - (B) In a proceeding under §21.97 of this title (relating to Approval of Negotiated Agreements), only parties to the negotiated agreement may file motions for reconsideration. Issues subject to motions for reconsideration are limited to modifications made to the agreement.
    - (C) In a proceeding under §21.99 of this title (relating to Approval of Arbitrated Agreements), only parties to the arbitrated agreement may file motions for reconsideration.
    - (D) In a proceeding under §21.125 of this title (relating to Formal Dispute Resolution Proceeding), only parties to the agreement may file motions for reconsideration. Issues subject to motions for reconsideration are limited to interpretations of and modifications made to the negotiated agreement.
    - (E) In a proceeding under §21.101 of this title (relating to Approval of Amendments to Existing Interconnection Agreements), only parties to the amended agreement may file motions for reconsideration. Issues subject to motions for reconsideration are limited to amendments or modifications made to the agreement.
    - (F) Any motions for reconsideration not filed by parties will be considered as a comment filed by an interested party.
  - (2) **Procedure.** A motion for reconsideration must be filed within 20 days of the issuance of the order under consideration. The motion for reconsideration must be served on all parties by hand delivery, facsimile transmission, or by overnight courier delivery, or by electronic mail. Responses to a motion for reconsideration must be filed within ten days of the filing of the motion.
  - (3) **Content.** A motion for reconsideration must specify the reasons why the order is unjustified or improper. If the moving party objects to contract language recommended by the presiding officer, then the motion must contain alternative contract language along with an explanation of why the alternative language is appropriate.

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- (4) **Commission Agenda.** Upon filing a motion for reconsideration, the commission will determine whether the motion will be placed on an open meeting agenda and considered at an open meeting. The commission will notify the parties by facsimile or electronic mail whether any commissioner, by individual ballot, has added the motion to an open meeting agenda, but will not identify the requesting commissioner.
- (5) **Denial or granting of motion.**
  - (A) The motion is deemed denied if, after five working days of the filing of a motion, the parties have not been notified that the motion has been placed on an open meeting agenda.
  - (B) If the commission determines that ruling on the motion is necessary, the motion will be placed on the agenda for the next regularly scheduled open meeting or such other meeting as determined by the commission.