

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-1128
of the Nebraska Public Service)	Progression Order #3
Commission on its own motion)	
to set guidelines for mediation,)	GRANTED
arbitration, and reviews of nego-))	
tiated agreements under the Tele-))	
communications Act of 1996.)	Entered: March 4, 1997

BY THE COMMISSION:

The Telecommunications Act of 1996 ("the Act") provides in Section 252, any party participating in negotiations may petition a state commission to mediate or arbitrate differences arising in the course of negotiation. The Act provides parties may petition a state commission for arbitration between the 135th and 160th day after negotiations begin.

On July 16, 1996, the Commission entered Progression Order #3 in Application C-1128, offering a proposed mediation/arbitration policy statement. The Commission entered a mediation and arbitration policy to carry out the mandates of Section 252 on August 20, 1996. The policy was subsequently modified on August 27, 1996.

O P I N I O N A N D F I N D I N G S

The Commission has conducted three arbitration hearings and has determined that changes in the policy are warranted.

In the arbitration petitions that have been filed, it has become apparent that parties are unable to select a mutually acceptable arbitrator within five (5) working days. We believe this time period should be extended so as to offer parties a reasonable time period to choose an arbitrator or mediator.

Therefore, the Mediation and Arbitration sections are amended to reflect:

MEDIATION ISSUE 2

Upon receipt of a request to appoint a mediator to facilitate negotiations, notice will be sent by certified mail to each negotiating party. The parties will have **fifteen (15)** days to select a mediator and inform the Commission of their selection. The notice will provide the date when the **fifteen (15)** day period expires and a list of potential mediators.

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Parties are not bound to select a mediator from the Commission's list.

ARBITRATION ISSUE 1

Upon receipt of a petition for arbitration, notice will be sent by certified mail to each negotiating party. The parties will have **fifteen (15)** days to select an arbitrator and advise the Commission of their selection. The notice will provide the date when the **fifteen (15)** day period expires and a list of potential arbitrators. Parties are not bound to select an arbitrator from the Commission's list.

The Act requires the Commission to render a decision approving or rejecting an arbitrated agreement within thirty (30) days. It has become evident that the Commission does not have sufficient time to review interested parties' written comments under our current policy statement. In one arbitration hearing, the Commission had less than 24 hours to review comments. Therefore, we find it appropriate to lengthen the time presently provided in the policy for the Commission to review the written comments and to hold a hearing.

We amend Arbitration Issue Number 10 to read as follows:

ARBITRATION ISSUE 10

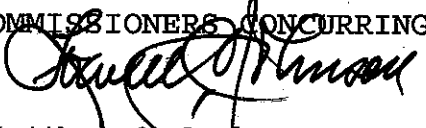
After the arbitrated agreement is final, it will be filed with the Commission, and notice will be provided in the Omaha Daily Record. The public will be given **ten (10)** days from the date the arbitration decision is filed with the Commission to file written comments on the agreement.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the amendments to the mediation/arbitration policy statement described herein are adopted.

MADE AND ENTERED at Lincoln, Nebraska this 4th day of March, 1997.

COMMISSIONERS CONCURRING:


//s//Anne C. Boyle
//s//Rod Johnson
//s//Frank E. Landis
//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman 

ATTEST:


Executive Director