

7812.1800 AGREEMENT APPROVAL.

Subpart 1. **Filing of agreement.** The negotiating parties shall submit a complete agreement to the commission by the deadline established in the commission's final arbitration order under part 7812.1700, subpart 21, unless the agreement does not include any arbitrated terms, in which case the parties may file the agreement at a time of their own choosing. The agreement must contain all negotiated and arbitrated terms and must include a memorandum that:

A. identifies and explains inconsistencies between the arbitrated terms of the agreement and the commission's arbitration decision;

B. explains how the agreement is consistent with the public interest and nondiscriminatory as to other local service providers;

C. describes the likely impact, if any, on the rates or service of the end-use customers of both providers; and

D. provides the rationale for severance, if requested under subpart 3.

Subp. 2. **Service.** The negotiating parties shall serve the agreement on the department, the Office of Attorney General-Residential Utilities Division (OAG-RUD), and persons on the service list established under part 7812.1500, subpart 2. The agreement must be served on the same day it is submitted to the commission.

Subp. 3. **Severance of arbitrated and negotiated terms.** The commission shall consider arbitrated terms separate from negotiated terms with respect to a single negotiation request under the act only if the commission finds that the arbitrated matters are unrelated to the negotiated matters as, for example, wholesale rates for resale may be unrelated to interconnection issues. A request for severance under this subpart must be made in writing prior to or as part of the filing of the agreement under subpart 1.

Subp. 4. **Comments.** Parties and participants may file written comments on the filing under subpart 1 no later than ten days after the agreement is filed.

Subp. 5. **Decision criteria.** The commission shall reject an agreement if it finds that the agreement discriminates unreasonably against another telecommunications carrier as defined in United States Code, title 47, section 153, paragraph (44), is inconsistent with the public interest or, with respect to its arbitrated terms, fails to comply with the commission's arbitration decision under part 7812.1700, subpart 21, or meet the arbitration standards set forth in part 7812.1700, subpart 22.

Subp. 6. **Commission decision.** The commission shall issue a written order accepting or rejecting the agreement. The commission shall issue its decision no later than 90 days after the agreement is filed unless:

A. the parties to the agreement agree to extend the deadline;

B. the agreement filed under subpart 1 contains no negotiated terms, in which case the commission shall issue its decision within 30 days; or

C. the commission considers the arbitrated terms separately as a separate agreement pursuant to a severance under subpart 3, in which case the commission shall issue its decision with respect to the arbitrated terms within 30 days.

Subp. 7. **Rehearing.** If the commission rejects an agreement, the parties may file a petition for rehearing at any time, provided the parties have agreed to changes that they believe remedy the deficiencies identified by the commission. If the parties cannot agree on changes, they shall proceed with negotiations and, if necessary, arbitration according to section 252 of the act and parts 7812.1500 to 7812.1800.

Statutory Authority: *MS s 216A.05; 237.10; 237.16; 237.71*

History: *22 SR 46; 22 SR 2079*

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