



ADMINISTRATIVE RULES OF MONTANA



38.5.4020 OTHER RESPONSIBILITIES OF THE ARBITRATOR

- (1) The arbitrator must limit the arbitration process to the resolution of issues raised by the negotiating parties in the petition and response. The arbitrator, in resolving these issues must ensure that their resolution meets the requirements of the 1996 Act.
- (2) The arbitrator shall resolve each issue raised by the parties by imposing appropriate conditions as required to implement section 252(b) (4) (C) of the 1996 Act upon the parties to the agreement, and shall conclude the resolution of any unresolved issues not later than nine months after the date on which the LEC received the request to negotiate. If any party refuses or fails unreasonably to respond on a timely basis to any reasonable request from the arbitrator, the arbitrator may proceed on the basis of the best information available to the arbitrator from whatever source derived.
- (3) In resolving open issues by arbitration and imposing conditions upon the parties to the agreement, the arbitrator shall:
 - (a) ensure that such resolution and conditions meet the requirements of section 251 of the 1996 Act;
 - (b) establish any rates for interconnection, services or network elements according to the pricing standards in section 252(d) of the 1996 Act as enacted on February 8, 1996; and
 - (c) provide a schedule for implementation of the terms and conditions by the parties to the agreement.
- (4) The arbitrator may decide whether any written statements shall be required from the parties or whether any written statements, pleadings or motions other than the petition and response shall be required from the parties or may be represented by them and shall fix the period of time for submission of such statements, pleadings or motions.
- (5) The arbitrator shall supervise discovery, including the setting of limits on the timing of discovery and the number of questions.

Authorizing statute(s): Sec. 69-3-103, MCA

Implementing statute(s): Secs. 69-3-102 and 69-3-201, MCA

History: NEW, 1997 MAR p. 319, Eff. 2/11/97.