

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Petition for Arbitration)	
of Unresolved Issues in a Section 251(b)(5))	<u>Case No. TO-2006-0149</u>
Agreement with NEXTEL Wireless.)	

ORDER EXTENDING ARBITRATION DEADLINE

Issue Date: October 31, 2005

Effective Date: October 31, 2005

On October 4, 2005, a number of small rural carriers¹ filed a petition for arbitration with the Missouri Public Service Commission pursuant to the Telecommunications Act of 1996, requesting that the Commission arbitrate unresolved issues with NEXTEL Wireless. NEXTEL received from Petitioners a request to negotiate the terms of an interconnection agreement on April 29, 2005.

On October 17, 2005, the Commission conducted an Initial Arbitration Meeting at which the parties agreed upon a procedural schedule. On October 28, the parties filed a Joint Motion to Extend the Arbitration Deadline. In support of the motion, the parties state that the procedural schedule, if approved by the Commission, would be "highly condensed and demanding due to the limited time provided for by the Telecommunications Act and the Commission Rule's at 4 CSR 240-36-.040." The procedural schedule is further limited by the Thanksgiving, Christmas and the New Year's holidays. The parties request that the Commission extend the deadline by 60 days to March 24.

¹ The small rural carriers include: BPS Telephone Company; Cass County Telephone Company; Ellington Telephone Company; Farber Telephone Company; Fidelity Communications Services II, Inc; Granby Telephone Company; Green Hills Telephone Corporation; Iamo Telephone Company; Kingdom Telephone Company; Lathrop Telephone Company; New Florence Telephone Company; and Steelville Telephone Exchange.

The Commission has appointed one of its law judges as arbitrator in this case as permitted by Commission rule 4 CSR 240-36.040. Although that rule establishes schedules for the completion of various stages of the arbitration, 4 CSR 240-36.040(15) grants the arbitrator the authority to vary from those schedules as long as the arbitrator complies with the deadlines contained in the Telecommunications Act. The parties have agreed that an extension of the deadline is desirable and they agree that they will not use that extension as a basis to appeal the Commission's arbitration decision. The parties also indicate that the voluntary extension of arbitration deadlines is a common and accepted practice by other state commissions conducting such arbitrations.

The Commission finds that an extension of the January 24 deadline is appropriate. Holding the parties to a tight procedural schedule when they agree that a longer schedule would be more likely to produce an effective and fair interconnection agreement would be unnecessary and inappropriate.

IT IS THEREFORE ORDERED:

1. That the arbitrator appointed to conduct this arbitration is authorized to extend the deadline for completion of this arbitration as requested by the parties.
2. That the arbitration deadline of January 24, 2006, is extended to March 24, 2006.

3. That this order shall become effective on October 31, 2005.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Kennard L. Jones, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 31st day of October, 2005.