

D.P.U. 96-73/74, 96-75, 96-80/81, 96-83, 96-94-Phase 3-A

Consolidated Petitions of New England Telephone and Telegraph Company d/b/a NYNEX, Teleport Communications Group, Inc., Brooks Fiber Communications, AT&T Communications of New England, Inc., MCI Communications Company, and Sprint Communications Company, L.P., pursuant to Section 252(b) of the Telecommunications Act of 1996, for arbitration of interconnection agreements between NYNEX and the aforementioned companies.

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ORDER ON MOTION FOR RECONSIDERATION
OF MCI TELECOMMUNICATIONS CORPORATION

I. INTRODUCTION

On December 4, 1996, the Department issued an order in this proceeding which set forth our rulings with regard to a number of the terms of interconnection agreements between New England Telephone and Telegraph Company, d/b/a NYNEX ("NYNEX"), and competing local exchange carriers under the Telecommunications Act of 1996. Consolidated Arbitrations, D.P.U. 96-73/74, 96-75, 96-80/81, 96-83, 96-94 (Phase 3) (1996) ("Phase 3 Order"). On December 31, 1996, MCI Telecommunications Corporation ("MCI") filed a motion for reconsideration with regard to the Department's findings concerning liquidated damages for NYNEX's violation of service quality standards. NYNEX responded to this motion on January 13, 1997.

The Department's standard for review of motions for reconsideration is well established:

A motion for reconsideration should bring to light previously unknown or undisclosed facts that would have a significant impact upon the decision already rendered. It should not attempt to reargue issues considered and decided in the main case. Commonwealth Electric Company, D.P.U. 92-3C-1A at 3-6 (1995); Boston Edison Company, D.P.U. 90-270-A at 3 (1991); Boston Edison Company, D.P.U. 1350-A at 4 (1983)....Alternatively, a motion for reconsideration may be based on the argument that the Department's treatment of an issue was the result of mistake or inadvertence. Massachusetts Electric Company, D.P.U. 90-261-B at 7 (1991); New England Telephone and Telegraph Company, D.P.U. 86-33-J at 2 (1989); Boston Edison Company, D.P.U. 1350-A at 5 (1983).

We will review the MCI motion in light of this standard.

MCI argues that the liquidated damages provisions set forth by the Department are insufficient as a remedy to poor performance by NYNEX. MCI argues that the only practical way to correlate the nature of the violation with the price to be paid for it is a system of credits such as MCI has proposed.

NYNEX argues that MCI has failed to satisfy the standard for reconsideration.

We agree with NYNEX. MCI's motion has not brought to light new previously unknown or undisclosed facts or shown that the decision was the result of mistake or inadvertence. Rather it is an attempt to reargue issues considered and decided in the main case. Phase 3 Order at 25-27. Accordingly, the motion is denied.

II. ORDER

Accordingly, after due consideration, it is

ORDERED: That the Motion for Reconsideration of MCI Telecommunications Corporation, filed with the Department on December 31, 1996, be and hereby is DENIED.

By Order of the Department,

John B. Howe, Chairman

Janet Gail Besser, Commissioner