**Section 467.80 Disputes**

a) It is the policy of the Commission that applicants for interconnection and EDCs should, to the maximum extent possible, endeavor to resolve interconnection disputes through negotiation and without resorting to the processes of the Commission. A party shall attempt to resolve all disputes regarding interconnection promptly and in a good faith manner. A party shall provide prompt written notice of the existence of the dispute, including sufficient detail to identify the scope of the dispute, to the other party in order to attempt to resolve the dispute in a good faith manner.

b) An informal meeting between the parties shall be held within 10 business days after receipt of the written notice. Persons with decision-making authority from each party shall attend the meeting. In the event the dispute involves technical issues, persons with sufficient technical expertise and familiarity with the issue in dispute from each party shall also attend the informal meeting. If the parties agree, the meeting may be conducted by teleconference. The informal process between the parties shall extend 30 days after the receipt of written notice, after which the dispute is deemed resolved and the timeframes for decisions within the interconnection process resume, unless one of the parties seeks resolution through the non-binding arbitration procedures described in subsection (c) or files a formal complaint at the Commission before the end of the 30-day period. If the negotiations do not resolve the dispute within 10 business days after commencing, either party may proceed to subsection (c) upon providing written notice to the other party.

c) Ombudsman

1) If the parties are unable to resolve the dispute through an informal meeting or meetings, either party may submit the interconnection dispute to an Ombudsman for non-binding arbitration. The party electing arbitration shall notify the other party of the request in writing.

2) For purposes of this Section, the Ombudsman, as that term is used in Section 16-107.5(h-5) of the Act, for that dispute may be:

A) the American Arbitration Association (AAA) or an individual arbitrator or team of arbitrators selected by the parties pursuant to AAA rules;

B) Commission employees designated on the Commission's website, as available; or

C) a third party selected by the parties.

3) In designating one or more of its employees as a potential Ombudsman for a dispute, the Commission may identify an hourly fee for that individual's time spent on arbitration; the Commission shall invoice and collect a fee equal to the hourly rate multiplied by hours spent on the arbitration in equal shares from the parties to the arbitration.

4) Each party shall bear its own fees, costs and expenses and an equal share of the expenses of the non-binding arbitration.

5) The non-binding arbitration process is limited to 60 days unless the parties and the Ombudsman agree to a longer period.

d) Within 10 days after the conclusion of the procedures in subsection (c), either party may initiate a formal complaint with the Commission and ask for an expedited resolution of the dispute. If the complaint seeks expedited resolution, any written recommendation of the Ombudsman shall be appended to the complaint. If a party fails to file a formal complaint within this 10-day timeframe, it waives its right to obtain relief from the Commission and the dispute is deemed resolved.

e) Pursuit of dispute resolution shall not affect an interconnection applicant with regard to consideration of an interconnection request or an interconnection applicant's position in the EDC's interconnection queue of any pending application or interconnection agreement.

(Source: Amended at 46 Ill. Reg. 9788, effective May 26, 2022)