

The Commission met on **Thursday, January 15, 2004**, with Acting Chairperson Reha and Commissioners Johnson, Nickolai, and Scott present.

**Comment [COMMENT1]:** Minutes by Peter Brown. 5 motions were made.

## TELECOMMUNICATIONS AGENDA

**P-573,421,404,407,520,405,  
413,426,427,430/CP-03-402**

### **In the Matter of a Petition for Extended Area Service from Winsted to the Metropolitan Calling Area**

Commissioner Johnson moved that the Commission

1. approve the EAS cost studies filed by the affected telephone companies;
2. adopt the EAS rate additives in the following table for polling Winsted customers:

<b>Table 1 EAS Rates for Polling Winsted Exchange</b>			
Service	Facilities-Based EAS Rate	Lost Access Recovery	Monthly EAS Rate
Res One-Party City	\$0.41	\$13.14	\$13.55
Res One-Party Vacation	\$0.20	\$6.58	\$6.78
Res One-Party Rural	\$0.41	\$13.14	\$13.55
Res One-Party Rural Vacation	\$0.20	\$6.58	\$6.78
Residence Measured City	\$0.12	\$3.78	\$3.90
Residence Measure Rural	\$0.12	\$3.78	\$3.90
ISDN BRI Rural	\$0.41	\$13.14	\$13.55
ISDN BRI Zone A Res Rural	\$0.41	\$13.14	\$13.55
Bus One-Party City	\$0.65	\$21.10	\$21.75
Bus One-Party Rural	\$0.65	\$21.10	\$21.75
Bus Measured City	\$0.21	\$6.94	\$7.15
Bus Measured Rural	\$0.21	\$6.94	\$7.15
ISDN BRI City	\$0.65	\$21.10	\$21.75
ISDN BRI Zone B Res Rural	\$0.65	\$21.10	\$21.75
Paystation City	\$0.65	\$21.10	\$21.75
Centrex	\$0.65	\$21.10	\$21.75
T-1	\$0.65	\$21.10	\$21.75

3. order the following additional requirements:
- the affected telephone companies to provide a single EAS number which reflects both the facilities cost and lost access and EAS revenues in customers' monthly bills, if the proposed EAS is implemented;
  - that the balloting materials and (if the proposed EAS is implemented) the affected telephone companies' tariffs itemize EAS rate additives so as to indicate the portion of the EAS rate additive that recovers facilities cost and the portion that recovers lost access revenue and/or lost toll contribution; and
  - the affected telephone companies to provide cooperation and assistance to the Commission staff and Commission contractors during the polling process by providing usable, deliverable addresses for all access lines in a format and under time frames set by the Commission staff; and provide proof of the accuracy of customer lists as requested by the Commission staff;
4. adopt rate additives for exchanges in the Metropolitan Calling Area (MCA), Citizens (Table 2), Frontier (Table 3), Sprint (Table 4), QWEST (Table 5), Sherburne (Table 6), Lakedale (Table 7), Bridgewater (Table 8), Scott-Rice (Table 9), and Eckles (Table 10):

<b>Table 2 Citizens MCA Exchanges EAS Rate Additives</b>			
<b>Service</b>	<b>Facilities-Based EAS Rate</b>	<b>Lost Access Recovery</b>	<b>Total Monthly EAS Rate</b>
<b>Rate Group 1</b>			
Residence	\$0.004	\$0.000	\$0.004
Business	\$0.002	\$0.000	\$0.002
<b>Rate Group 2</b>			
Residence	\$0.008	\$0.079	\$0.087
Business	\$0.004	\$0.039	\$0.043

<b>Table 3 Frontier MCA Exchanges (except Henderson and Le Center) EAS Rate Additives</b>			
	Facilities-Based EAS Rate	Lost Access Recovery	Total Monthly EAS Rate
Residence	\$0.000	\$0.003	\$0.003
Business	\$0.001	\$0.007	\$0.008
Key Trunk	\$0.001	\$0.008	\$0.009
PBX Trunk	\$0.001	\$0.011	\$0.012
School Service			
One Party	\$0.001	\$0.005	\$0.006
Key Trunk	\$0.001	\$0.006	\$0.007
PBX Trunk	\$0.001	\$0.008	\$0.009
Versaline			
Month to Month	\$0.001	\$0.008	\$0.009
One-Year Term	\$0.001	\$0.006	\$0.007
Two Year Term	\$0.001	\$0.004	\$0.005
Three-Year Term	\$0.000	\$0.004	\$0.004
<b>Henderson Exchange EAS Rate Additives</b>			
	Facilities-Based EAS Rate	Lost Access Recovery	Total Monthly EAS Rate
Residence	\$0.000	\$0.024	\$0.024
Business	\$0.000	\$0.056	\$0.056
Key Trunk	\$0.000	\$0.062	\$0.062
PBX Trunk	\$0.000	\$0.075	\$0.075
School Service			
One Party	\$0.000	\$0.042	\$0.042
Key Trunk	\$0.000	\$0.046	\$0.046
PBX Trunk	\$0.000	\$0.056	\$0.056
Versaline			
Month to Month	\$0.000	\$0.063	\$0.063
One-Year Term	\$0.000	\$0.049	\$0.049
Two Year Term	\$0.000	\$0.042	\$0.042
Three-Year Term	\$0.000	\$0.035	\$0.035

<b>Table 3 (Cont'd) Le Center Exchange EAS Rate Additives</b>			
	Facilities-Based EAS Rate	Lost Access Recovery	Total Monthly EAS Rate
Residence	\$0.000	\$0.003	\$0.003
Business	\$0.000	\$0.006	\$0.006
Key Trunk	\$0.000	\$0.007	\$0.007
PBX Trunk	\$0.000	\$0.008	\$0.008
School Service			
One Party	\$0.000	\$0.005	\$0.005
Key Trunk	\$0.000	\$0.005	\$0.005
PBX Trunk	\$0.000	\$0.006	\$0.006
Versaline			
Month to Month	\$0.000	\$0.007	\$0.007
One-Year Term	\$0.000	\$0.005	\$0.005
Two Year Term	\$0.000	\$0.005	\$0.005
Three-Year Term	\$0.000	\$0.004	\$0.004

<b>Table 4 Sprint MCA Exchanges EAS Rate Additives</b>			
Service	Facilities-Based EAS Rate	Lost Access Recovery	Total Monthly EAS Rate
Residence	\$0.0032	\$0.0124	\$0.02
Business	\$0.0064	\$0.0248	\$0.03
Key/Trunk	\$0.0075	\$0.0288	\$0.04
Pay	\$0.0064	\$0.0248	\$0.03

<b>Table 5 QWEST's MCA Exchanges EAS Rates</b>			
Service	Facilities-Based EAS Rate	Lost Access/Toll Contribution Recovery	Total Monthly EAS Rate
Residence Flat	\$0.003	\$0.001	\$0.004
Business Flat	\$0.010	\$0.003	\$0.013
Business Msg	\$0.008	\$0.002	\$0.010
Trunks	\$0.013	\$0.003	\$0.016
Centron/ Centrex	\$0.013	\$0.003	\$0.016
Pub/ Semi-Pub	\$0.010	\$0.003	\$0.013

<b>Table 6 Sherburne MCA Exchanges EAS Rates</b>			
Service	Facilities-Based EAS Rate	Lost Access/Toll Contribution Recovery	Total Monthly EAS Rate
Residence	\$0.000	\$0.009	\$0.009
Business & Pay	\$0.000	\$0.016	\$0.016

<b>Table 7 Lakedale MCA Exchanges EAS Rate Additives</b>			
Service	Facilities-Based EAS Rate	Lost Access Recovery	Total Monthly EAS Rate
Digital Access Line	\$0.000	\$0.254	\$0.254
Pay	\$0.000	\$0.380	\$0.380

<b>Table 8 Bridgewater MCA Exchanges EAS Rate Additives</b>			
<b>Monticello Exchange</b>			
Service	Facilities-Base d EAS Rate	Lost Access Recovery	Total Monthly EAS Rate
Residence Flat	\$0.000	\$0.030	\$0.030
Residence Measured	\$0.000	\$0.020	\$0.020
Business, Key, Pay Centrex	\$0.000	\$0.050	\$0.050
Business, Key & Measured y	\$0.000	\$0.030	\$0.030
Bus Trunk	\$0.000	\$0.070	\$0.070
Bus Trunk Meas	\$0.000	\$0.040	\$0.040
Centrex Meas	\$0.000	\$0.020	\$0.020
<b>Enfield Exchange</b>			
Service	Facilities-Base d EAS Rate	Lost Access Recovery	Total Monthly EAS Rate
Residence Flat	\$0.000	\$0.040	\$0.040
Residence Measured	\$0.000	\$0.020	\$0.020
Business, Key, Pay, Centrex	\$0.000	\$0.060	\$0.060
Business Measured & Key	\$0.000	\$0.030	\$0.030
Business Trunk	\$0.000	\$0.090	\$0.090
Business Trunk Meas	\$0.000	\$0.040	\$0.040
Centrex Measured	\$0.000	\$0.020	\$0.020

<b>Table 9 Scott-Rice MCA Exchanges EAS Rate Additives</b>			
Service	Facilities-Based EAS Rate	Lost Access Recovery	Total Monthly EAS Rate
<b>Prior Lake and New Market</b>			
Residence	\$0.000	\$0.002	\$0.002
Business & Pay	\$0.000	\$0.005	\$0.005
<b>Webster</b>			
Residence	\$0.000	\$0.004	\$0.004
Residence FX	\$0.000	\$0.006	\$0.006
Business	\$0.000	\$0.006	\$0.006
Business FX	\$0.000	\$0.009	\$0.009
Pay	\$0.000	\$0.006	\$0.006

<b>Table 10 Eckles MCA Exchanges EAS Rate Additives</b>			
Service	Facilities-Based EAS Rate	Lost Access Recovery	Total Monthly EAS Rate
Residence - Town	\$0.000	\$0.007	\$0.007
Residence - Rural	\$0.000	\$0.009	\$0.009
Business Key, Pay	\$0.000	\$0.012	\$0.012
PBX Analog	\$0.000	\$0.016	\$0.016
PBX Digital	\$0.000	\$0.007	\$0.007

5. approve the lower cost option to the Winsted subscribers as follows:

<b>Table 11 Lower Cost Option for Winsted Exchange</b>			
	Monthly Flat Rate	Per Minute Charge	
		Initial Minute	Additional Minute
Residence - City and Outside City	\$3.90	\$0.12	\$0.03
Business - City and Outside City	\$7.15	\$0.24	\$0.06

The motion passed 5-0.

**P-5057/NA-03-1018**

**In the Matter of 1-800-RECONEX, Inc.'s Petition for a Certificate of Authority to Provide Local Exchange Service in Minnesota**

**P-5957/NA-01-884**

**In the Matter of 1-800-RECONEX, Inc.'s Petition for a Certificate of Authority to Provide Long Distance Service in Minnesota**

Commissioner Nickolai moved that the Commission deny, without prejudice, RECONEX, Inc.'s petition for a certificate of authority to provide local exchange service in Minnesota (03-1018) and its petition for a certificate of authority to provide long distance service in Minnesota (01-884).

The motion passed 5-0.

**P-421/CP-00-686**

**In the Matter of the Request for Service in Qwest's Tofte Exchange**

Commissioner Nickolai moved that the Commission refer the matter to the Office of Administrative Hearings for a contested case proceeding.

The motion passed 5-0.

**P-421/AM-00-849**

**In the Matter of USWC Proposed Wholesale Service Quality Standards**

Commissioner Scott moved that the Commission

6. accept the affidavit of Qwest Corporation witness Dean W. Buhler into evidence;
7. find that neither the affidavit nor any Qwest argument demonstrates irreparable harm in the context of Qwest's request for a stay, because –
  - most of Mr. Buhler's affidavit consists of arguments addressing the merits of the Commission's July 3, 2003 ORDER ADOPTING WHOLESALE SERVICE QUALITY STANDARDS (MN WHSQ Plan) rather than the need for a stay pending appellate review, and
  - the parts of Mr. Buhler's affidavit that allege irreparable harm are unpersuasive because they are vague, unspecific and not factually based;
3. grant a partial stay with the conditions that the Commission previously proposed to the Minnesota Court of Appeals in Docket No. A03-1409 *In the Matter of Qwest's Wholesale Service Quality Standards*, Response of the Minnesota Public Utilities Commission to Qwest's Motion for Stay Pending Appeal of Order Adopting Wholesale Service Quality Standards (October 22, 2003); specifically, during the pendency of the appeal, for all competitive local exchange carriers (CLECs) that have notified or will notify Qwest of their intent to adopt the Minnesota Wholesale Service Quality (MN WHSQ) Plan, Qwest shall do as follows:
  - make remedy payments that would otherwise be due to each such CLEC under the Minnesota Performance Assurance Plan (PAP) as set forth in Docket No. P-421/AM-01-1376 *In the Matter of Qwest's Performance Assurance Plan*, ORDER ADOPTING PLAN AND SETTING PROCEDURAL SCHEDULE (July 29, 2002), ORDER ON RECONSIDERATION AMENDING PERFORMANCE ASSURANCE PLAN (November 26, 2002) and as revised on April 30, 2003 and Federal Communications Commission Wireline Competition Bureau Docket No. 03-90 *In the Matter of Qwest Communications International, Inc. for Authorization to provide in-region, interLATA services in the State of Minnesota*, Application Appendix B (Statement of Generally Available Terms), Exhibit K; Appendix E;
  - calculate the amounts payable under the MN WHSQ Plan to each such CLEC from the date the CLEC provided notice of its intent to adopt the MN WHSQ Plan and, to the extent the total amount owed to a CLEC exceeds the total amount paid to such CLEC under the PAP, deposit said amount, if any, into

an interest-bearing escrow account maintained by Qwest to be allocated, after further Commission review and order, consistent with the outcome of judicial review;

- make payments to CLECs and into the escrow account (from the date each CLEC opted into the MN WHSQ Plan) within 30 days from the date of the Commission's Order in order to make its status current;
- file with the Commission no later than March 3, 2003, and every four months thereafter an accounting of amounts actually paid to each CLEC under the PAP and amounts due to each affected CLEC under the MN WHSQ Plan; and

4. clarify that the MN WHSQ Plan Order took effect on July 3, 2003.

Commissioner Nickolai offered a friendly amendment to make Qwest's payments to CLECs and into escrow due not later than February 28, 2004. Commissioner Scott accepted the amendment.

The amended motion passed 5-0.

Commissioner Nickolai moved that the Commission proceed in Executive Session.

The motion passed 5-0.

Following Executive Session, the meeting was adjourned.

**APPROVED BY THE COMMISSION: APRIL 7, 2004**

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**Burl W. Haar, Executive Secretary**