

The Commission met on **Thursday, January 29, 2004**, with Chair Koppendrayer and Commissioners Johnson, Nickolai, Reha and Scott present.

The following items were taken up by the Commission:

TELECOMMUNICATIONS AGENDA

P-999/CI-03-491

Consideration of DOC Request for Use of FY2003 TAM Budget Money to Continue CapTel (Captioned Telephone) Trial

Chair Koppendrayer moved to approve the transfer of \$186,835 to the CapTel budget line item from other line items in the budget approved for the Telecommunications Access Minnesota program on June 16, 2003, to permit the program to continue through the end of the fiscal year.

The motion passed 5-0.

P-403/AM-03-1342;

P-543,425/M-03-1671

In the Matter of the Local Exchange Companies' Request to Disconnect Service to OneStar Long Distance, Inc.

Commissioner Nickolai moved that the Commission take the following action:

- grant the Local Exchange Companies' request to disconnect service to OneStar Long Distance, Inc.
- allow the disconnection of service to occur after actual notice to each customer;
- require the Local Exchange Companies to notify the Commission of the dates of notice and actual termination;
- issue an Order to Show Cause against OneStar, requiring the Company to respond within 30 days explaining why its certificate of authority should not be revoked;

The motion carried 5-0

P-421/AR-03-1688

In the Matter of the Petition of Qwest Corporation for Approval of its Revised Alternative Form of Regulation Plan

Commissioner Reha moved to –

- vary the filing deadline set in the Commission's ORDER ADOPTING PROCEDURES FOR AFOR RENEWAL PROPOSAL AND SETTLEMENT CONFERENCE (November 26, 2003) to accept the late-filed intervention petition filed by a coalition of competitive local exchange carriers consisting of McLeodUSA; Ace Telephone Association; C-I Communications, Inc.; HomeTown Solutions, LLC; Hutchinson Telephone; Mainstreet Communications; NorthStar Access, LLC; Otter Tail Telecom, LLC; Paul Bunyan Rural Telephone Company; Tekstar Communications; Unitel Communications; U.S. Link, Inc.; and VAL-ED Joint Venture, LLP (collectively, the CLEC Coalition), and
- approve the petitions for intervention filed by AT&T Communications of the Midwest, Inc. and TCG Minnesota, Inc.; Eschelon Telecom, Inc.; and the CLEC Coalition.

The motion passed 5-0.

P-421/C-03-627

In the Matter of the Complaint of Eschelon Telecom of Minnesota, Inc. Against Qwest Corporation, Inc.

Commissioner Reha moved that the commission take the following action:

- deny Qwest's motion for summary judgement;
- grant Eschelon's motion for summary judgement;
- Adopt the ALJ's recommendation and order Qwest to refund \$532,225.46 to Eschelon within thirty days of the order.

The motion carried 5-0.

P-999/CI-03-960

In the Matter of a Commission Investigation into the FCC Triennial Review Order's National Presumptive Finding of No Impairment for Local Switching on High Capacity Loops Available to Business Customers

Commissioner Reha moved to

- accept the Administrative Law Judge's recommendation and not seek a waiver of the FCC's national finding of "no impairment" for unbundled local switching for enterprise customers because a requesting carrier in the Duluth, Rochester, and St. Cloud LATAs is not impaired in the ability to serve enterprise customers without access to unbundled local circuit switching from Qwest; and

- ask the parties to return in approximately six months for a review of the competitive effects of ending unbundled local switching in the enterprise market, delegating to the Executive Secretary responsibility for scheduling and other details of implementation.

The motion passed 4-1. Commissioner Johnson voted no.

P-421/AR-03-1688

In the Matter of the Petition of Qwest Corporation for Approval of its Revised Alternative Form of Regulation Plan

Commissioner Reha moved to grant the parties' proposal for a Commission order –

- authorizing Qwest to release information as provided in the attached draft order and
- modifying the protective order approved on January 6, 2003, to say that no party may designate more than three in-house experts to view materials marked “HIGHLY SENSITIVE TRADE SECRET INFORMATION – USE RESTRICTED PER PROTECTIVE ORDER IN DOCKET P-421/AR-03-1688.”

The motion passed 5-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: FEBRUARY 8, 2004

Burl W. Haar, Executive Secretary

BEFORE THE PUBLIC UTILITIES COMMISSION
121 Seventh Place East, Suite 350
St. Paul, Minnesota 55101-2147

**In the Matter of the Petition of Qwest
Communications for Approval of its
Revised Alternative Form of Regulation Plan**

Docket No. P-421/AR-03-1688

[PROPOSED] ORDER

This matter is before the Minnesota Public Utilities Commission ("Commission") on January 12, 2004 by Motion filed by Qwest Corporation ("Qwest").

Discovery requested by the Commission or other parties in the above-referenced matter may require Qwest to submit Qwest provisioning or billing information that identifies specific CLECs or carriers and their purchases, such as order for facility information ("information"). This information may be subject to Section 222 of the Telecommunications Act as well as other state and federal privacy laws. In order to provide all necessary protection to Qwest with respect to its use and distribution of the information in this case, the Commission directs Qwest to disclose to the Department of Commerce and the Office of the Attorney General (a) information that might specifically identify a CLEC or carrier's purchases or orders and (b) data that might through small volumes reveal CLEC/carrier identifying information under the "Highly Sensitive Trade Secret" provisions of the Protective Order. Such information may only be disclosed to other parties if presented on an aggregated level by wire center.

This Order does not affect the right of Qwest or any party to raise objections to discovery or information requests.

Dated: _____, 2004
