

The Commission met on **Thursday, March 11, 2004**, with Chairperson Koppendray and Commissioners Johnson, Nickolai, Reha and Scott present.

Comment [COMMENT1]: Minutes by Peter Brown. 3 motions were made.

TELECOMMUNICATIONS AGENDA

P-405/AR-04-170

In the Matter of a Petition by Frontier Communications of Minnesota, Inc. for Renewal and Revision of Its Second Revised Alternative Regulation Plan

Commissioner Nickolai moved that the Commission

1. adopt the following procedures for review and adoption of Frontier's Second Revised AFOR:

- A. Initial Notice and Service List

The Commission will serve an Order on all persons on the service list developed for *In the Matter of Frontier of Minnesota Inc. 's Revised Plan for Alternative Regulation*, Docket No. P-405/AR-00-394.

Staff notes that the Company has served copies of its proposed AFOR Renewal on the Department of Commerce (Department of Commerce) and on the Residential and Small Business Division of the Office of the Attorney General (OAG). The Commission will order the Company to serve, within 10 days following the issuance of the Order, a copy of the filing and a copy of the Order on all telecommunications carriers with which the Company has an interconnection agreement. Further, the Commission will order the Company to provide it with a list of all persons to which it served the filing and Order within 10 days following the issuance of this Order.

Other interested persons may obtain copies of the proposed AFOR Renewal by contacting the Company at:

Frontier Communications of Minnesota
2378 Wilshire Boulevard
Mound, MN 55364
952-491-5564

Any person who wishes to intervene as a party shall file a petition under Minn. Rules, part 7829.0800 within 20 days of the Order.

- B. Petition for Intervention

Any person who wishes to intervene as a party shall file a petition under Minn. Rules, part 7829.0800 within 20 days of the Order.

C. Declaration of Interest Form

A Declaration of Interest Form is attached to this Order as Attachment A. Any person who would like to be placed on the service list for this proceeding must so indicate on the form and return it to the Commission within 20 days of the date of this Order.

D. Service Of Documents

After receiving the Declaration of Interest Form or intervention petition, the Commission will establish and maintain the official service list for this proceeding. After the service list is distributed, a copy of all documents submitted to the Commission must be served with proof of service on all other persons on the service list.

An original and 15 copies of all documents shall be served on the Commission by submitting them to:

Burl Haar, Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, Minnesota 55101-2147

Any questions concerning this matter should be addressed to Commission staff member: Marc Fournier at 651-296-3793.

E. Comments on the Adequacy of Frontier's Filing as to Form

The Commission will accept written comments on the adequacy of Frontier's filing as to form on or before the 30th day following issuance of this Order. Specifically, comments should address whether the Company's filing meets the requirements of Minn. Stat. §§237.76-237.769 and the renewal provisions of the current Plan and whether the filing meets the requirements for expedited proceedings under section 237.61.

Reply comments shall be submitted to the Commission within 10 days following the 30 day comment period.

Following receipt of comments and replies, the Commission will, if it deems necessary, schedule a meeting to determine the adequacy of the Company's filing as to form. The Commission will reject a filing that it finds to be substantially out of compliance with Minn. Stat. §§ 237.76 *et seq.*

If there are no objections as to form, the Commission will proceed with the other schedules as described below.

F. Comments on the Merits of Frontier's Proposed AFOR Renewal

The Commission will accept comments on the merits of Frontier's proposed Second Revised AFOR Plan or before the 60th day following issuance of this Order. Comments should, at a minimum, address: (1) the merits of the Company's filing; (2) differences between the current AFOR plan and the proposed AFOR Renewal; and (3) whether or not the Commission should approve the filing.

Reply comments shall be submitted to the Commission within 14 days following the 60 day comment period.

G. Protective Order

The Commission will adopt a protective order to deal with the protection of trade secret and privileged data in this docket. Protective orders must be submitted to the Commission within 20 days of the issue date of this Order.

H. Public Meetings

The Commission will conduct public meetings it may consider necessary. The Commission will determine at a later date whether to conduct public meetings.

I. Customer Notice

The Company shall provide notice of the proposed Second Revised AFOR Plan to all its individual customers. Frontier filed a proposed customer notice with its Application. The Company shall work with the Department of Commerce, the RUD-OAG, and Commission staff to finalize the proposed notice and to determine the timing of the notice.

J. Information Requests

Frontier and all parties shall answer any information requests that may be issued by the Commission staff, the Department, the RUD-OAG or any other party within 10 days of receipt of the request. A copy of each information request must be served on the Commission and on the service list developed for this proceeding. Answers to the information requests shall be served on the party filing the request and on other parties and non-party participants upon request, subject to the protective order described above.

K. Expedited Proceeding Under Minn. Stat. §237.61

Approximately 3 months from the date of this Order, a hearing, in accordance with Minn. Stat. §237.61, will be held. The Company and parties to the proceeding may present oral arguments to the Commission and their respective experts and representatives shall be available for questions. The Commission will then deliberate and issue its Order

on the appropriateness of the Second Revised AFOR Plan. In accordance with Minn. Stat. § 237.764, subd. 2, if a substantial number of, but less than all, parties submit a settlement agreement to the Commission, the Commission may hold a hearing and adopt the parties' stipulation in place of the hearing referenced above. Once a stipulation for settlement is submitted to the Commission, the Commission will accept, reject or modify the proposed settlement within 60 days from the date it was submitted.

L. Authority to Vary Time Periods

Pursuant to its authority under Minn. Rule, part 7829.3100 and to further expedite this proceeding, the Commission hereby delegates to its Executive Secretary the authority to vary the time periods established in the Order on its own motion or at the request of a party for good cause shown.

M. Current AFOR Plan

This Order contemplates final approval of Frontier's proposed Second Revised AFOR Plan prior to the current plan's expiration date, August 1, 2004. If the parties wish to request that the Commission revise the current AFOR plan to reflect an expiration date beyond August 1, 2004, parties should so indicate in their comments on the merits of Frontier's proposed Second Revised AFOR Plan.

N. Withdrawal of Second Revised AFOR by Frontier

Frontier may withdraw its Second Revised AFOR at any time by filing a Notice of Withdrawal with the Commission.¹ Any objections shall be submitted to the Commission within 14 days following the filing of the Notice of Withdrawal.

2. direct the Parties to convene a settlement conference as soon as practicable, and to submit either a settlement report or a recommended time extension by April 15, 2004 and
3. direct the Company to submit a written progress report on the settlement negotiations every 30 days thereafter.

The motion passed 5-0.

P-999/CI-98-674

¹ As discussed at the hearing on this matter, it is understood that consistent with practice before the Commission the Company's withdrawal requires Commission approval before it becomes effective.

In the Matter of a Commission Investigation of Intrastate Access Charge Reform

Chair Koppendrayer moved to do the following:

15. Invite parties, within 30 days of the meeting, to file comments on –
 - the table attached to the comments of the Minnesota Department of Commerce filed on January 12, 2004, as revised on January 23, 2004 and at the hearing,
 - documents in Docket No. P-999/CI-85-582 *In the Matter of a Summary Investigation Into IntraLATA Toll Access Compensation for Local Exchange Carriers Providing Telephone Service Within the State of Minnesota*, and
 - documents in Docket No. P-999/C-93-90 *In the Matter of the Proposed Restructuring of Local Transport Rates by US WEST Communications, Inc.*
2. Direct the Executive Secretary to schedule another meeting for this docket as soon as practicable thereafter.

The motion passed 5-0.

Commissioner Koppendrayer moved that the Commission grant St. Olaf College's request for a Certificate of Authority to provide local exchange services in the Northfield exchange and interexchange services statewide, provided that it meets the following conditions:

- a.) Commission approval of interconnection agreement;
- b.) Commission approval of 911 plan;
- c.) Commission approval of tariff;
- d.) filing of narrative description of service area; and
- e.) filing of toll free number .

The motion passed 5-0.

There being no further business before the Commission, the meeting was adjourned.

APPROVED BY THE COMMISSION: MARCH 19, 2004

Burl W. Haar, Executive Secretary