

The Commission met on **Thursday, April 29, 2004**, with Commissioner Scott as Acting Chair and Commissioners Johnson and Nickolai present.

**Comment [COMMENT1]:** Minutes by Eric Witte, Peter Brown and Ann Pollack. 3 motions were made.

## TELECOMMUNICATIONS AGENDA

**P-421/AR-97-1544;**

**P-421, et.al./PA-99-1192**

### **In the Matter of Qwest Corporation's Service Quality Performance Under its Alternative Regulatory Plan; and Compliance with its Retail Service Quality Components of its Merger Agreement**

Commissioner Scott moved that the Commission take the following action:

- approve Qwest's service quality reports and the corresponding penalty of \$83,792, including \$74,592 to be paid to customers in affected exchanges and \$9200 to be paid to the telecommunications grant fund;
- if Counsel's research indicates the payment to the telecommunications fund is in conflict with the statute, the matter will be brought back to the Commission;

The motion passed 3-0.

**PT-6201/M-03-1618**

### **In the Matter of a Petition by Cellular Mobile Systems of St. Cloud Requesting Designation as an Eligible Telecommunications Carrier**

Commissioner Scott moved that the Commission

1. find that CMS has made a credible showing, supported by facts and commitments, of its capability and intent to provide and advertise an affordable, quality offering, including the nine federally supported services, throughout its proposed service area;
2. find that CMS has fulfilled its requirement to provide the following:
  - a list of facilities used to provide service in the service area in which CMS seeks ETC certification;
  - supplemental information regarding CMS's current cellular coverage within its proposed service area, and detailed information as to how, upon a reasonable request from a customer, it will provide service in the areas in which it does not currently have adequate coverage;
  - an advertising plan specific to the BUS and the availability of Lifeline and

Linkup;

- an informational tariff that lists the following:
  - (a) all rates associated with the universal service offering, including the cost of all equipment and installation charges and all other recurring and non-recurring charges.
  - (b) all terms and conditions of service associated with its universal service offering. Information typically gathered from ETCs in the annual certifications; and
  - (c) a list of the Company's federal obligations regarding its service area;
- 3. designate CMS as an Eligible Telecommunications Carrier for the purposes of receiving federal universal service support, throughout its proposed service area, as modified by in CMS' letter filed April 27, 2004 consistent with the FCC's recently issued Highland Cellular Order by deleting Attachment 9 to its Petition which lists the exchanges that it partially serves and for which CMS had initially requested ETC designation;
- 4. approve CMS' request to redefine the service areas of the incumbent LECs in whose territory it seeks to provide service, to correspond with CMS' licensed service area in Minnesota (encompassing the counties of Stearns, Sherburne and Benton Counties) and petition the FCC for concurrence;
- 5. require CMS, as a post-designation compliance matter, to complete the following:
  - provide details regarding the frequency and scheduling of its proposed BUS/Lifeline/Linkup advertising;
  - advertise the availability of Lifeline, Linkup, and its BUS offering on its website; and
  - establish a process for tracking customer complaints or disputes related to the service quality of its BUS offering, and procedures for making such records available to the Commission upon request; and
- 6. clarify that the Company will file its disaggregation petition directly with the Federal Communications Commission (FCC).

The motion passed 3-0.

**P-5695/M-04-226**

**In the Matter of the Petition of WWC Holding Co., Inc. d/b/a CellularOne for Designation as an Eligible Telecommunications Carrier and Redefinition of Rural Telephone Company Service Area Requirement**

Commissioner Scott moved that the Commission take the following action:

1. Refrain from suspending consideration of this case pending action by the Federal Communications Commission on the Recommended Decision of the Federal-State Joint Board on Universal Service, CC Docket No. 96-45 (February 27, 2004).
2. Apply the same criteria the Commission has used in earlier cases evaluating whether to grant Eligible Telecommunications Carrier status to commercial mobile radio service providers.
3. Allow parties to file additional comments within 21 days of its Order.
4. Find that the 180-day clock starts upon issuance of the Commission's Order.
5. Grant WWH's request to vary Minnesota Rule part 7811.1400, subpart 2.

The motion passed 3-0.

**P-421/C-03-627**

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

No Commissioner moved to reconsider. Commissioner Scott determined that the motion to reconsider was denied by operation of law.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: MAY 12, 2004**

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**Burl W. Haar, Executive Secretary**