

The Commission met on **Thursday, September 23, 2004**, with Chair Koppendraye and Commissioners Nickolai, Pugh and Reha present.

Comment [COMMENT1]: Minutes by Eric Witte and Ann Pollack. 5 motions were made.

The following items were taken up by the Commission:

TELECOMMUNICATION AGENDA

BLOC MOTION

Commissioner Nickolai moved to take the following actions on the following dockets:

P-5710/RV-04-1228

In the Matter of the Revocation of JATO Operating Company's Certificate of Authority

- Revoke JATO Operating Company's certificate of authority.
- Notify all local exchange carriers and interexchange carriers that the carrier is no longer authorized to provide service in Minnesota.
- Notify any incumbent local exchange carriers that have an interconnection agreement with the carrier that the carrier no longer has authority to provide telecommunications services in Minnesota and that services should no longer be offered under its interconnection agreement(s).
- Leave the carrier responsible for any unpaid assessments or fees.

P-5456/RV-04-1231

In the Matter of the Revocation of Meridian Telecom Corporation's Certificate of Authority

- Revoke Meridian Telecom Corporation's certificate of authority.
- Notify all local exchange carriers and interexchange carriers that the carrier is no longer authorized to provide service in Minnesota.
- Leave the carrier responsible for any unpaid assessments or fees.

P-5096,5916/M-04-1261

In the Matter of the Notification of Disconnection of the Physical Connection Between Qwest Communications and ServiSense.com

- Find that Commission approval is not required before Qwest Corporation (Qwest)

discontinues service to ServiSense.com (ServiSense), and therefore refrain from initiating proceedings to determine whether the Commission should grant such approval to Qwest.

- Take no action on Qwest's provision of wholesale services and ServiSense's failure to comply with the Commission's order to terminate service in Minnesota by January 19, 2004, pursuant to its ORDER APPROVING SETTLEMENT AND DIRECTING IMPLEMENTATION (December 17, 2003) and ERRATUM NOTICE (December 22, 2003) in Docket No. P-6164/C-02-1383 *In the Matter of The Complaint of the Minnesota Department of Commerce Against OnSystems Technology, LLC, a Colorado Limited Liability Company, OnSystems Technology, LLC, a Minnesota Limited Liability Company, Mile High Telecom Partners, LLP, a Colorado Limited Liability Partnership d/b/a Mile High Telecom, Alticom, Inc. f/k/a Eastern Telephone Inc., a Massachusetts Corporation, and The Minnesota Phone Company Financial Group, LLP a/k/a The Minnesota Phone Company LLP, a Minnesota Limited Liability Partnership, all dba "The Minnesota Phone Company" Regarding Lack of Authority to Operate in Minnesota.*
- Order all local exchange and interexchange carriers to discontinue any remaining intrastate telecommunications services to ServiSense, or direct or indirect affiliates of ServiSense, effective 10 days after the date of the Commission's Order.

The motion passed 4-0.

P-999/M-04-1092

In the Matter of Annual Certifications Related to Eligible Telecommunications Carriers' (ETCs) Use of the Federal Universal Service Support

Commissioner Nickolai moved to –

- approve all petitioning ETCs' requests for certification,
- file the certification letter to the Federal Communications Commission (FCC) and Universal Service Administrative Corporation before October 1, 2004, and
- take no action on the comments of the Minnesota Department of Commerce (the Department) regarding additional scrutiny that funds will be used only for the intended purposes.

The motion passed 4-0.

P-999/CI-04-852

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

Commissioner Nickolai moved to –

- refer the matter of the switched access and transport to the Office of Administrative Hearings
- ask the ALJ to make findings as to the best estimate of the cost of switched access and transport services
- ask the ALJ to recommend the extent to which these charges should be changed to reflect their cost, and the period over which these changes should occur.

Chair Koppendraye proposed amending the motion to cite the Commission's statutory authority for jurisdiction over this matter.

Commissioner Nickolai accepted the proposal, amending the motion to cite Minnesota Statutes § 237.081 and other relevant statutes.

The motion passed 4-0.

Commissioner Nickolai moved to –

- open an investigation of special access pursuant to Minnesota Statutes § 237.081 and other relevant statutes, and
- invite comments within 45 days regarding the appropriate scope of the investigation.

Chair Koppendraye proposed that the Commission invite comments on the present structure of special access and how it impairs competition.

Commissioner Nickolai accepted the proposal, amending his motion to invite comments on whether the structure of special access rates, and the alleged disparity between rates and cost, warrant an investigation.

The motion passed 4-0.

P-999/CI-04-1420

In the Matter of a Commission Investigation into Matters Related to the FCC's Interim Triennial Review Order and FCC's Request for Comments

Commissioner Reha moved, with respect to the FCC's ORDER AND NOTICE OF PROPOSED RULEMAKING in Wireline Competition Docket No. 04-313, *In the Matter of Unbundled Access to Network Elements in Wireline Competition* (FCC 01-179) (released

August 20, 2004), to –

- submit comments to the FCC by the comment deadline, separate from the Department's comments, emphasizing the Commission's decision-making role and authority pursuant to Minnesota Statute,
- submit orders and public documents relevant to demonstrating the Commission's jurisdiction,
- work with the Department to exchange information to assist in preparing comments, and
- give appropriate notice of a planning meeting for the purpose of reviewing the comments that staff has drafted consistent with this motion, and convene such a planning meeting.

Commissioner Nickolai moved to amend to motion to direct staff to emphasize the Commission's authority arising from both state and federal authorities.

Commissioner Reha accepted the amendment.

The motion passed 4-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: OCTOBER 13 , 2004

Burl W. Haar, Executive Secretary