

The Commission met on **Monday, June 30, 2003**, with Chair Koppendrayer and Commissioners Gavin and Reha present.

Comment [COMMENT1]: Minutes by Carol Casebolt and Eric Witte. 2 motions were made.

The following items were taken up by the Commission:

### TELECOMMUNICATIONS AGENDA

**P-442/EM-02-539**

In the Matter of the Intrastate Access Recovery Fees Charged by AT&T Communications

**P-446/EM-02-1154**

In the Matter of the Intrastate Access Recovery Fees Charged by Sprint Communications

**P-3012/M-02-1456**

In the Matter of the Intrastate Access Recovery Fees Charged by MCI WorldCom

**P-478/EM-02-2031**

In the Matter of the Intrastate Access Recovery Fees Charged by Excel Communications

**P-478/EM-02-2031**

In the Matter of the Intrastate Access Recovery Fees Charged by Teleconnect

**P-6075/M-03-41**

In the Matter of the Intrastate Access Recovery Fees Charged by U. S. Telecom Long Distance

Commissioner Reha moved to do the following:

- A. Defer action on this item pending further briefing on the following issues:
  - Whether assessing intrastate access fees against residential customers and not against business customers is unduly discriminatory;
  - Whether assessing intrastate access fees against customers who do not take local service from their long distance provider and not against customers who do take local service from their long distance provider is unduly discriminatory;
  - How any intrastate access charge found to be permissible should be presented on customers' bills.
- B. Establish a briefing schedule, with 30 days for initial briefs and 15 days for reply briefs.
- C. Delegate to the Executive Secretary the authority to vary these time lines or otherwise adjust the briefing schedule.

The motion passed 3-0.

**PT-6153/AM-02-686**

In the Matter of the Petition of Midwest Wireless Communications, LLC, for Designation as an Eligible Telecommunications Carrier (ETC) Under 47 U.S.C. § 214(e)(2)

Commissioner Gavin moved to do the following:

- A. Grant final approval for the designation of Midwest Wireless Communications, LLC (Midwest, Midwest Wireless or the Company) as an eligible telecommunications carrier (ETC) under 47 U.S.C. § 214(e)(2).
- B. Approve the compliance filing made by Midwest Wireless.
- C. Require Midwest to do the following:
  - 1. Submit all modifications agreed upon by Midwest in its May 23, 2003 response to the parties' comments.
  - 2. Document in its tariff its promise to provide external antenna and other similar equipment free of charge if required to provide service.
  - 3. Include in its tariff the following language derived from its April 18, 2003 compliance filing at page 3:

“Installation Fee applies only upon customer request for installation. Wireless local loop units may be utilized by simply providing power to the unit.”
  - 4. Include in its tariff the following language from its April 18, 2003 compliance filing at page 6:

“Midwest agrees that, upon receipt of a customer request for service under the Basic Universal Service (BUS) rate plan: (a) in areas where Midwest has facilities such that it is able to supply the requested service to that customer's home (if an individual customer) or office (if a business customer) without additional facilities beyond the wireless local loop unit, at the time the request is made, Midwest shall initiate service, in most cases on the same day that customer requests service to begin, but in no event more than thirty (30) days from the date the customer requests service to begin; and (b) in areas where Midwest does not have facilities to supply the requested service to the customer's home (if an individual customer ) or office (if a business customer) at the time the request is made, then Midwest shall, within thirty (30) days, evaluate the obstacles to providing the requested phone service to that customer and provide the customer with the available options for the provision of such service and the estimated time frame for implementing such options.”
  - 5. Establish a process to track and make available to the Commission and the Department, upon request, the following:

- Held Orders for BUS and the customer premises equipment (CPE) for more than 30 days; and
  - Customer complaints or disputes related to BUS service quality, including reports of interrupted service.
6. Provide a written notice to the Commission and the Minnesota Department of Commerce (the DOC) immediately upon any change in prices (including CPE lease rates) or terms and conditions of the BUS plan, as raised by the DOC.
  7. Provide a written notice to the Commission and the DOC prior to the withdrawal of the BUS offering or any portion thereof.
- D. Find that the Commission has authority to rescind or revoke Midwest's ETC status upon a finding that the Company no longer complies with the ETC designation.

The motion passed 3-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION

Approval Date:

August 1, 2003

Burl W. Haar  
Executive Secretary