

The Commission met on **Thursday, July 17, 2003**, with Chair Koppendrayer and Commissioners Johnson, Reha and Scott present.

**Comment [COMMENT1]:** Minutes by Carol Casebolt and Eric Witte. 4 motions were made.

The following items were taken up by the Commission:

### **TELECOMMUNICATIONS AGENDA**

#### **P-424/C-03-897**

In the Matter of the Complaint by the City of Redwood Falls Against Redwood County Telephone

Commissioner Scott moved to do the following:

1. Find that this matter is within the Commission's jurisdiction and that there are reasonable grounds to investigate the matter.
2. Require Redwood County Telephone Company to file an answer to the complaint within 20 days pursuant to Minnesota Rules part 7829.1800, subpart 2. The answer should address all allegations of the complaint and why the Commission should not grant the complainant's requested action.

The motion passed 4-0.

#### **P-421/C-03-616**

In the Matter of a Request by Eschelon Telecom for an Investigation Regarding Customer Conversion by Qwest and Regulatory Procedures

Chair Koppendrayer moved to –

3. find that Qwest Corporation (Qwest) has not provided reasonably adequate service in this case;
4. reserve judgment on whether Qwest has engaged in anti-competitive or discriminatory conduct;
5. require Qwest to make a compliance filing detailing its proposal for remedying the service inadequacies in this case, including –
  - a. procedures for ensuring that retail service representatives are properly separated from Qwest's wholesale operations, including investigating the possibility of installing computer software to alert retail service representatives when they are dealing with wholesale accounts and to disable their ability to make changes in wholesale accounts;
  - b. procedures for promptly acknowledging and taking responsibility for mistakes in processing wholesale orders and for promptly notifying affected

- c. retail customers;  
procedures for maximizing reliance on electronic processing of wholesale orders, with an explanation of the necessity for each manual operation required for wholesale order processing;
- 4. require the compliance filing to be made within 30 days of the date of the Order, and
- 5. set a 15-day comment period on the compliance filing.

The motion passed 4-0.

**PT-6213/M-03-591**

In the Matter of the Petition of Minnesota Southern Wireless Company d/b/a HickoryTech for Designation as an Eligible Telecommunications Carrier Under 47 U.S.C. § 214(e)(2)

Commissioner Scott moved to do the following:

1. Vary Minnesota Rules part 7811.1400, subpart 9, to accept the petitions for intervention by Midwest Wireless Communications, LLC (Midwest), RCC Minnesota, Inc. (RCC), and jointly by Citizens Telecommunications Company of Minnesota, Inc. and Frontier Communications of Minnesota, Inc. (Citizens/Frontier).
2. Accept Citizens/Frontier's comments.
3. Grant the alternative motion of Minnesota Southern Wireless Company d/b/a HickoryTech (HickoryTech) for leave to file late-filed response to Citizens/Frontier's comments.
4. Deny HickoryTech's motion to strike Citizens/Frontier's comments.
5. Grant HickoryTech conditional approval, as recommended by the Minnesota Department of Commerce (DOC), and require HickoryTech to submit a compliance filing on the following:
  - a. Additional documentation suggested by the DOC.
  - b. A description of rate plans other than the Wireless Phone Link (WPL) which could be considered universal service offerings that could serve communities in its proposed service area other than those identified in Exhibit G.
  - c. A description of other rate plans for which universal service subsidies are expected, including pricing, terms and conditions, local calling area, and local usage component.
  - d. Proposed tariffs for the WPL and other universal service offerings,

including information about prices, terms and conditions, local calling area, local usage, related customer premises equipment (CPE), auxiliary services, miscellaneous charges, requirements on deposits, a description of its toll limitation service, customer service and dispute resolution policies; network maintenance policies, procedures for resolving service interruptions and any applicable customer remedies, and billing and payment policies.

- The Company should establish a process for tracking, and for making available to the Commission on request: 1) instances in which the Company is unable to provide its basic universal service offering within 30 days of the time that the customer request service be initiated; and 2) Customer complaints or disputes related to the service quality of its basic universal service offering, including reports of interrupted service;
  - Upon a complaint, a petition from the DOC, or on the Commission's own motion, the Commission may investigate any change in the Company's tariff, customer service agreement (if submitted), or lease agreement (if applicable), for the purpose of rescinding the change or revoking the Company's federal ETC status. After investigation, the Commission may find that the change is not consistent with the Commission's decision to approve the Company's federal ETC status, and rescind the change or revoke the Company's federal ETC status.
5. A full description of the Company's proposed service area, including a comparison with its FCC-licensed, both cellular and PCS, areas and an explanation of any differences;
  6. A comparison of its proposed service area with the communities listed in Exhibit G where WPL service is optimal, and an explanation of why not or how other communities can receive similar optimal service;
  - g. A comparison of the Company's proposed service area with the local area coverage of the proposed WPL service;
  - h. An explanation of why the Commission should approve the proposed disaggregation of many ILECs' study area, both at the exchange and sub-exchange level, in light of the additional information regarding the service area;
  - i. A statement as to why the Company is eligible to become an ETC despite not being a LEC in Minnesota, or to submit a request for a waiver of Minn. Rules part 7811.1400, subparts 1 and 2.
  - j. The Company's investment commitments and network improvement

plans.

- k. Service quality plans consistent with the Company's claims to provide high quality of service. As required in similar cases, the Company should be required to put in writing its commitment with respect to Held Orders, Customer Complaints, and other relevant service quality measurements.
- 12. The Company's commitment to provide a written notice to the Commission and the DOC immediately upon any change in prices (including CPE-related rates) or terms and conditions of the universal service offerings, and prior to the withdrawal of any such offering.
- 6. Decline at this time to initiate a rulemaking to address the designation of commercial mobile radio service (CMRS) providers as ETCs.

The motion passed 4-0.

**PT-6200/M-03-647**

In the Matter of the Petition of NPCR, Inc. d/b/a Nextel Partners for Designation as an Eligible Telecommunications Carrier Under 47 U.S.C. § 214(e)(2)

Commissioner Scott moved to –

- 7. direct NPCR, Inc. d/b/a Nextel Partners (NPCR) to make supplemental filings,
- 8. find that the 180-day period for evaluating ETC designation requests, arising from Minnesota Rules part 7811.1400, subpart 12, begins when NPCR makes its filing,
- 9. vary Minnesota Rules part 7811.1400, subpart 9, to accept the petitions for intervention by Citizens/Frontier, Midwest and RCC, and
- 10. decline at this time to initiate a rulemaking to address the designation of CMRS providers as ETCs.

The motion passed 4-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION

Approval Date:

August 1, 2003

Burl W. Haar  
Executive Secretary