

The Commission met on **Thursday, September 25, 2003**, with Chair Koppendrayer and Commissioners Nickolai, Reha and Scott present.

**Comment [COMMENT1]:** Minutes by Carol Casebolt. 8 motions were made.

The following matters were taken up by the Commission.

**P-466/EM-03-658**

In the Matter of a Request by Sprint Communications Company L.P. for a Time Extension and a Variance of Commission Rules

Chair Koppendrayer moved that the Commission grant Sprint's request for a time extension and a variance of Commission Rules.

The motion passed 4-0.

**P-5487,3012,5321/M-03-712**

In the Matter of Brooks Fiber Communications of Minnesota, Inc., MCI WorldCom Communications, Inc. and MCImetro Access Transmission Services, Inc. Petition for Extension of Service Area Deadlines

Chair Koppendrayer moved that the Commission grant MCI's request for a variance and extension.

The motion passed 4-0.

**P-999/M-03-1211**

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

Commissioner Scott moved to –

- approve all petitioning ETCs' requests for certification, and
- take no action on the proposal of the Department of Commerce (the Department) to investigate whether high-cost funds are being used only for their intended purposes.

The motion passed 4-0.

**PT-6182,6181/M-02-1503**

In the Matter of the Petition of RCC Minnesota, Inc. and Wireless Alliance, LLC, for Designation as an Eligible Telecommunications Carrier (ETC) under 47 U.S.C. § 214(e)(2)

Commissioner Scott moved that the Commission take the following action:

- approve the compliance filing with the following modifications:
  - require RCC to establish, 30 days from the date of the Commission Order, a process to track customer complaints or disputes related to the BUUSO service quality, and procedures for making such records available to the Commission upon request;
  - require RCC to add Section H to the tariff to deal with service provision updates and amendments to the RCC tariff, service agreement and wireless local loop lease agreement, as follows:

*H. Filing of Notification to Commission and Department*

Changes in Prices or Terms and Conditions of Offering

The Company should be required to provide written notice to the Commission and to the Department of Commerce immediately upon any change to price or rate (including changes in the lease price or changes in terms and conditions for the wireless loop equipment), or to other terms and conditions of its universal service offering.

Withdrawal of offering to a geographical area or group of customers

The Company should be required to provide written notice to the Commission and to the Department prior to the withdrawal of its BUUSO offering or any portion thereof.

Commission Investigation

Upon a complaint, a petition from the Department, or on the Commission's own motion, the Commission may investigate any change to the RCC Tariff, Lease Agreement, or Service Agreement. In its review, the Commission should consider the effect of the change on service quality, availability and affordability. After investigation, the Commission may find that the change is not consistent with the Commission decision to approve RCC's federal ETC status, and rescind the change or revoke RCC's federal ETC status.

- require RCC to develop a proposal and cost estimates to serve the Ely petitioners via the BUUSO;
- require RCC to provide the Commission with a quarterly report of any unserved customer requests, and a description of how the Company is

working to provide service to any unserved customer. The Commission can initiate an investigation and revoke RCC's ETC designation upon a finding of failure to fulfill its obligation to serve;

- clarify that the obligation to advertise and serve begins upon designation (date of the Order);
- grant final approval of the Company's ETC designation.

The motion passed 4-0.

**P-551/M-03-811**

In the Matter of Wireless Local Termination Tariff Applicable to Commercial Mobile Radio Service Providers That Do Not Have Interconnection Agreements with CenturyTel of Minnesota

Commissioner Reha moved to adopt the Department's recommendation, approving the wireless termination tariff generally but requiring CenturyTel of Minnesota to submit a revised filing that contains the following features:

- cost-based rates;
- reciprocity;
- a rate that is not otherwise discriminatory;
- language to the effect that the tariff does not apply when an interconnection agreement exists between the parties;
- language to the effect that termination of service shall not occur without prior Commission approval; and
- deletion of Section F (Land to Mobile Transmitting).

The motion passed 4-0.

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

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

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

**P-478/EM-02-1692;**

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

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

In the Matter of the Intrastate Access Recovery, or Similar Charges, Filed by AT&T Communications, Sprint Communications, MCI WorldCom, Excel Communications, Teleconnect, U.S. Telecom Long Distance

Chair Koppendrayser moved that the Commission take the following action:

With respect to the application of the intrastate access recovery fee on residence customers, but

not on business customers:

- reject the claim that the intrastate access recovery fee is unduly discriminatory;

With respect to the application of the intrastate access recovery fee on residence customers who do not also take local service:

- reject the claim that the intrastate access recovery fee is unduly discriminatory;

With respect to the bill format:

- do not order any changes to the bill format.

The motion passed 4-0.

**P-999/CI-03-960**

In the Matter of a Commission Investigation into the FCC Triennial Review Order's National Presumptive Finding of No Impairment for Local Switching on High Capacity Loops Available to Business Customers

Commissioner Nickolai moved that the Commission take the following action:

- refer the case to the Office of Administrative Hearings for contested case proceedings;
- define the scope of the case as the allegations of impairment raised by US Link, Inc. and Desktop Media;
- ask the Administrative Law Judge to hold a prehearing conference within five days of the date of the referral;
- ask the Administrative Law Judge to promptly certify to the Commission any decision on any motion for summary disposition and to proceed with evidentiary development pending Commission action;
- ask the Administrative Law Judge to issue his or her report by December 15, 2003.

The motion passed 4-0.

Commissioner Reha at this point left the meeting.

**P-999/CI-03-961**

In the Matter of a Commission Investigation into the ILEC Unbundling Obligations as a Result of the Triennial Review Order

Commissioner Nickolai moved that the Commission take the following actions:

- refer the case to the Office of Administrative Hearings for contested case proceedings;
- require the parties to answer the questions propounded by Commissioner Scott within two months of the date of referral;
- inform the parties that upon reviewing the answers to Commissioner Scott's questions the Commission may narrow or otherwise redefine the scope of the proceeding;
- ask the Department of Commerce to coordinate the common discovery;
- direct the parties to work together and with the Administrative Law Judge to develop a protective Order;
- ask the Administrative Law Judge to conduct evidentiary proceedings in light of the nine-month time frame imposed by the Federal Communications Commission.

The motion passed 3-0.

There being no further business, the meeting was adjourned.

**APPROVED BY THE COMMISSION: OCTOBER 8, 2003**

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**Burl W. Haar, Executive Secretary**