

The Commission reconvened on **Tuesday, April 9, 2002**, with Chair Scott and Commissioners Garvey, Johnson, Koppendraye, and Reha present, to continue consideration of the following matter:

Comment [COMMENT1]: Minutes by Ann Pollack. Six motions were made.

TELECOMMUNICATIONS AGENDA

P-421/C-01-391

In the Matter of the Complaint of AT&T Communications of the Midwest, Inc., Against Qwest Corporation

Commissioner Garvey moved to take the following action:

- find a knowing violation (by Qwest) starting February 21, 2001;

The motion failed 2/3.

Commissioner Rhea moved to take the following action:

- find a knowing violation starting January 12, 2001;

The motion carried 5-0.

Commissioner Rhea moved to take the following action:

- adopt the ALJ's report with the exception of the starting date and the penalties;

The motion carried 5-0.

Commissioner Johnson moved to take the following action:

- adopt the \$5,000/day penalty from the ALJ's report;

The motion failed 3-2. Commissioners Garvey, Koppendraye and Reha voted no.

Commissioner Garvey moved to take the following action;

- fine Qwest \$100/day for the period January 12, 2001 through May 11, 2001; and
- require an accounting of costs and fine Qwest double the costs;

Commissioner Garvey withdrew the motion.

Commissioner Reha moved to take the following action:

- direct the parties to supplement the record on items (2), (5), (6), and (9) of Minn. Stat. § 237.462 Subd. 2(b) with respect to penalties;
- direct the parties to comment on the items set forth in Paragraph M of *Thoughts by Commissioner Edward Garvey Regarding the UNE-P Complaint of AT&T Against Qwest P-421/-01-391*;
- the initial supplements and comments shall be filed simultaneously from the present date (April 9, 2002), the parties shall have an opportunity for reply, and all filings shall be completed in 3 weeks;

The motion carried 3-2. Commissioners Johnson and Scott voted no.

Commissioner Garvey's statement *Thoughts by Commissioner Edward Garvey Regarding the UNE-P Complaint of AT&T Against Qwest P-421/-01-391* was admitted into the record.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION

Approval Date:

April 18, 2002

Burl W. Haar
Executive Secretary