

The Commission met on **Thursday, April 18, 2002**, with Acting Chair Garvey and Commissioners Johnson and Reha present.

Comment [COMMENT1]: Minutes by Eric Witte. 8 motions were made.

TELECOMMUNICATIONS AGENDA

The following items were taken up by the Commission:

EN BLOC ACTION

Acting Chair Garvey moved to take action regarding several dockets as follows:

P-5550/M-02-52

In the Matter of an Investigation into the Failure of Ozark Telecom, Inc. to Comply with the Commission's Order of September 9, 1999 in Docket No. P-5803/NA-99-938

- direct Ozark Telecom, Inc. to file reply comments by March 24, 2002 –
 1. documenting that it has posted a surety bond of \$10,000 or showing cause why it should not be required to post a surety bond, and
 2. explaining why the Commission should not revoke its certificate of authority to provide interexchange services in Minnesota;

P-465/EM-02-289

In the Matter of the Proposal by US Link, Inc., to Revise its Residential Local Exchange Access Rate

- disapprove the proposal filed by US Link, Inc. on March 1, 2002;

P-5496/M-02-346

In the Matter of the Petition of AT&T Local Services on Behalf of TCG Minnesota, Inc. for Application of the "Safety Valve" for NXX Acquisition

- grant AT&T's petition an order that the North American Numbering Plan Administrator fulfill AT&T's request for two blocks of 10,000 numbers in the Twin Cities rate center, and
- if the customer withdraws its request for the two blocks of 10,000 numbers, direct AT&T to return the numbering resources to the NANPA, and not to retain the numbering resources to serve other customers without first meeting NANPA's growth number resource requirements;

P-999/CI-01-441

In the Matter of DOC/TACIP Proposed Budget for FY 2002 and Annual Report for FY

2000

- accept the annual report submitted by the Minnesota Department of Commerce for the Telecommunications Access for Communications-Impaired Persons program,
- approve the proposed budgets, and
- approve the proposed retention of surcharge at 10 cents per month;

P-999/CI-01-1997

In the Matter of the Annual Consideration of Possible Changes in the Telephone Assistance Plan Surcharge and the Telephone Assistance Plan State Credit for Fiscal Year 2002

- accept the Telephone Assistance Plan reports.

The motion passed 3-0.

OTHER ACTION

P-5542/M-01-1865

In the Matter of Tekstar Communications, Inc.'s Petition to Become an Eligible Telecommunications Carrier

Commissioner Johnson moved to --

- grant conditional approval of Tekstar's application for designation as an eligible telecommunications carrier, with final approval contingent upon Commission review and approval of the compliance filing set forth below; and
- direct Tekstar shall make a compliance filing including the following items:
 1. proposed tariffs containing the proposed rates for the services listed at 47 C.F.R. § 54.101(a),
 2. a list of facilities used in the transmission or routing of the required services,
 3. a plan for advertising its universal service offering(s) throughout its proposed service area in accordance with 47 U.S.C. § 214, and
 4. a service quality plan consistent with Tekstar's claims to provide high quality service.

The motion passed 3-0.

P-430/AR-02-290

In the Matter of a Petition by Sprint Minnesota, Inc. Requesting Adoption and Renewal of an Alternative Regulation Plan

Commissioner Johnson moved to do the following:

- Adopt the procedures developed by Commission staff for review and adoption of the Alternative Form of Regulation (AFOR) Renewal Plan of Sprint Minnesota, Inc. (Sprint), including the following:
 1. Within 10 days of the Order, Sprint shall serve a copy of the filing and a copy of the Order on all telecommunications carriers with which Sprint has an interconnection agreement.
 2. Within 10 days of the Order, Sprint shall provide the Commission with a list of all persons to which Sprint served the filing and Order.
 3. Other interested persons may obtain copies of the proposed AFOR Renewal by contacting Sprint at:

Sprint Communications, Inc.
1630 World Trade Center
30 East 7th Street
St. Paul, Minnesota 55101-4935
651-221-1047

4. Any person who wishes to intervene as a party shall file a petition under Minn. Rules, part 7829.0800, within 20 days of the Order.
5. Within 20 days of the Order, any person who would like to be placed on the service list for this proceeding must so indicate on the Declaration of Interest form and return it to the Commission.
6. After the service list is distributed, every document submitted to the Commission must be filed with proof that the document has been served (proof of service) on all other persons on the service list.
7. An original and 15 copies of all documents shall be served on the Commission by submitting them to:

Burl Haar, Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, Minnesota 55101-2147

8. Any questions concerning this matter should be addressed to Commission staff members: Lillian Brion at 651-297-7864, Ganesh Krishnan at 651-297-7071, or Roger Moy at 651-282-6443.
9. The Commission will accept written comments on the adequacy of Sprint's filing as to form on or before the 30th day following issuance of the Order.
 - A. Comments as to form should address whether Sprint's filing meets the

requirements of Minn. Stat. §§237.76-237.769 and the renewal provisions of the current Plan.

- B. Comments on whether the filing meets the requirements on expedited proceeding under section 237.61 are also invited.
- 10. Reply comments shall be submitted to the Commission within 5 days following the 30 day comment period.
- 11. Commission will accept comments on the merits of Sprint's proposed AFOR Renewal on or before the 60th day following issuance of the Order.
- 12. Comments should, at a minimum, address:
 - A. the merits of the Company's filing;
 - B. differences between the current AFOR plan and the proposed AFOR Renewal; and
 - C. whether or not the Commission should approve the filing.
- 13. If the parties wish to request that the Commission revise the current AFOR plan to reflect an expiration date beyond September 1, 2002, parties should so indicate in their comments on the merits of Sprint's proposed AFOR Renewal.
- 14. Reply comments shall be submitted to the Commission within 10 days following the 60 day comment period.
- 15. Proposed protective orders (orders to deal with any protection of trade secret and privileged data in this docket) must be submitted to the Commission within 20 days of the issue date of the Order.
- 16. Within 30 days of the Order, Sprint shall submit a schedule of proposed public meetings and a proposed customer notice for those meetings, including the dates, times and locations.
- 17. Once the public meeting schedule and customer notice have been approved, Sprint shall publish the Commission-approved customer notice about the public meetings as a display advertisement in newspapers of general circulation in all county seats in its service area. The notice shall be published twice, once approximately 2 weeks before the public meeting scheduled in a particular area and again approximately 2 days before the public meeting in a particular area.
- 18. Sprint shall also send notices about the public meetings to city clerks and/or city administrators in all cities within its service area.
- 19. At least two weeks prior to the first publication date, Sprint shall submit to the Commission a list of the newspapers where the customer notice will be published and the date each notice will be published, and a list of city clerks/administrators that will be notified.
- 20. At least two weeks before the first scheduled public meeting, Sprint shall provide notice of the proposed AFOR Renewal plan to all of its individual customers.
- 21. Sprint and all parties shall answer any information requests that may be issued by the Commission staff, the Department, the Residential Utility and Small Business Division of the Office of the Attorney General (RUD-OAG) or any other party within 10 days of receipt of the request.
- 22. A copy of each information request must be served on the Commission and on

the service list developed for this proceeding.

23. Answers to the information requests shall be served on the party filing the request and on other parties and non-party participants upon request, subject to the protective order described above.
 24. Approximately 3 months from the date of this Order, a hearing, in accordance with Minn. Stat. §237.61, will be held regarding the appropriateness of Sprint's AFOR Renewal plan. Sprint and parties to the proceeding may present oral arguments to the Commission and their respective experts and representatives shall be available for questions.
 25. The Commission will delegate to its Executive Secretary the authority to vary the time periods established in the Order, on his own motion or at the request of a party for good cause shown.
 26. The Commission's Order contemplates final approval of Sprint's proposed AFOR renewal prior to the current plan's expiration date, September 1, 2002. If the parties wish to request that the Commission revise the current AFOR plan to reflect an expiration date beyond September 1, 2002, parties should so indicate in their comments on the merits of Sprint's proposed AFOR Renewal.
- Adopt the settlement conference procedures developed by Commission staff, including the following:
 1. The parties shall convene a settlement conference as soon as practicable and submit either a settlement report or a recommended time extension by July 1, 2002.
 2. Sprint shall submit a written progress report on the settlement negotiations every 30 days thereafter.
 3. Any settlement submitted to the Commission should fully discuss the merits of the settlement as well as the associated proposed plan.

The motion passed 3-0.

P-404, 407, 520, 405, 413, 426, 427, 430, 421/CP-01-708

In the Matter of a Petition for Extended Area Service from the Henderson Exchange to the Metropolitan Calling Area

Commissioner Reha moved to do the following:

- Approve the affected companies' extended area service (EAS) revenue requirement.
- Adopt the staff-proposed EAS rate additives for polling Henderson customers.
- Direct the affected telephone companies to provide a single EAS number which reflects both the facilities cost and lost access and EAS revenues in customers' monthly bills, if the proposed EAS is implemented.

- Require that balloting materials and, if the proposed EAS is implemented, the affected telephone companies' tariffs itemize EAS rate additives so as to indicate the portion of the EAS rate additive that recovers facilities cost and the portion that recovers lost access revenue and/or lost toll contribution.
- Direct the affected telephone companies to provide cooperation and assistance to the Commission staff and Commission contractors during the polling process by providing usable, deliverable addresses for all access lines in a format and under time frames set by the Commission staff; and to provide proof of the accuracy of customer lists as requested by the Commission staff.
- Adopt the EAS rate additives for Bridgewater Telephone Company; Eckles Telephone Company; Frontier Communications of Minnesota, Inc.; Lakedale Telephone Company; Scott-Rice Telephone Company; Sherburne County Rural Telephone Company; Sprint; and Qwest Corporation. Citizens Telecommunications Company of Minnesota has proposed to not charge its customers in the metropolitan calling area for this EAS route.

The motion passed 3-0.

P-999/CI-99-776

In the Matter of a Further Commission Investigation of Avoided Cost Discount of U S WEST Communications (now Qwest)

Commissioner Johnson moved to open an investigation of Qwest Corporation's "win-back" tariff pursuant to Minnesota Statutes § 237.081, providing parties 45 days to comment and an additional 15 days to reply to comments.

The motion passed 3-0.

Commissioner Johnson moved to refrain from opening a new investigation of Qwest's avoided cost discount at the present time, and to close the docket, understanding that the Department may elect to initiate an investigation on its own initiative.

The motion passed 3-0.

P-999/CI-02-116

In the Matter of a Commission Inquiry Regarding the Adaptability of Interconnection Agreements Pursuant to Section 252(i) of the Telecommunications Act of 1996

Acting Chair Garvey moved to do the following:

- Declare as follows:
 1. The upper limit of the adoption window is the termination date stated in an interconnection agreement for those interconnection agreements where the incumbent local exchange carrier (ILEC) is no longer providing interconnection, elements, or services to the competitive local exchange carrier (CLEC) or commercial mobile radio service (CMRS) provider under the terms of the interconnection agreement in question.
 2. The adoption window remains open for an interconnection agreement after the termination date stated therein to the extent that the ILEC continues to provide interconnection, elements, or services to the CLEC or CMRS provider under the interconnection agreement in question. Any adopting CLEC or CMRS provider would be subject to the same termination provisions as negotiated by the original negotiating carrier.
 3. Notwithstanding 1. and 2., the availability of an interconnection agreement for adoption shall be bounded by a showing by the ILEC that, pursuant to § 51.809(b), (a) it is not technically feasible to provide service to the requesting carrier, or (b) the costs of providing service to the requesting carrier are higher than the costs of providing service to the original negotiating carrier.
 4. To the extent that there is a debate as to interpretation of "provided" in § 252(i) the parties may approach the Commission for resolution.
- Further declare that this policy statement does not have the force and effect of law, that it provides only a starting point for deliberations, and that the Commission will provide adequate opportunity for anyone affected by this policy to argue that it should not apply to a particular situation.
- Disseminate the Commission's policy statement among all interested parties.

The motion passed 3-0.

P-421/M-00-849

In the Matter of Qwest Wholesale Service Quality Standards

Commissioner Reha moved to table this matter, deferring to the Executive Secretary to reschedule the matter for the Commission's agenda, but directing parties to provide before May 2, 2002, a written report on the status of negotiations.

The motion passed 3-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION

Approval Date:

October 25, 2002

Burl W. Haar
Executive Secretary
