

The Commission met on **Thursday, September 5, 2002**, with Chair Scott and Commissioners Garvey, Johnson, Koppendrayner and Reha present.

Comment [COMMENT1]: Minutes by Eric Witte. 3 motions were made.

TELECOMMUNICATIONS AGENDA

The following items were taken up by the Commission:

P-5733,421/IC-02-1372

In the Matter of the Petition of Level 3 Communications, LLC for Arbitration of an Interconnection Agreement with Qwest Corporation Pursuant to 47 U.S.C. § 252(b)

Chair Scott moved to –

- refer the matter to the Office of Administrative Hearings for hearing by an administrative law judge (ALJ) and request that the ALJ conduct the arbitration with deference to the Commission's rules, Part 7812.1700; and
- vary Minn. Rules, Part 7812.1700, subp. 4 to extend the deadline for issuing the Order in this matter to September 12, 2002.

The motion passed 5-0.

P-421/CI-01-1375

In the Matter of the Commission Review and Investigation of Qwest's Unbundled Network Elements UNE Prices

P-442,3012,421/M-01-1916

In the Matter of the Commission's Review and Investigation of Certain Unbundled Network Element Prices of Qwest

Commissioner Garvey moved to admit consideration of Qwest documents purporting to show how prices for unbundled network elements (UNEs) adopted in other states compare to prices that would result if the Commission were to adopt the administrative law judges'

August 5, 2002 *Findings of Fact, Conclusions of Law and Recommendations* (ALJ Report).

The motion passed 3-2. Chair Scott and Commissioner Johnson voted no.

Commissioner Garvey moved to do the following:

- Adopt the ALJ Report, except regarding the right angled Minimum Spanning Tree function.
- Prohibit the use of the right angled Minimum Spanning Tree function for estimating the amount of distribution plant required to serve the Minnesota service area of Qwest Corporation (Qwest).

- Direct Qwest to conform any summary of its prices of unbundled network elements (UNEs), including its statement of generally available terms (SGAT) and interconnection agreements, to the Commission's orders.
- Direct Qwest to obtain Commission approval prior to charging for a UNE. With respect to services not previously offered, Qwest may charge an interim price as long as final prices are filed with the Commission within 60 days in order to expedite the introduction of a new offering. For services already offered with no price, the price shall be zero or unchanged from any negotiated interim price, pending approval.
- Direct Qwest to provide a clear and concise descriptions for the application of each existing UNE within 60 days of the Commission's Order, and to file clear and concise descriptions for all future UNEs on a going forward basis.
- adopt the following procedural schedule:
 1. Within 30 days of the Commission's Order in this proceeding, parties should file a compliance run of the various models with a full schedule of rates reflecting the relevant decisions made by the Commission;
 2. Within 60 days of the Commission's approval of the compliance filing, Qwest must provide its proposed true-up to CLECs;
 3. Within 60 days of receiving Qwest's proposed true-up, CLECs must notify Qwest of their agreement or disagreement with Qwest's proposed true-up;
 4. Within 30 days of receiving the true-up analysis from the CLEC's, Qwest shall inform the Commission that all true-ups have been finalized; and
 5. Within 30 days of informing the Commission that the true-up analysis has been finalized, Qwest shall issue any credits or adjustments to CLECs based on the true-up.
- Adopt the following additional procedural steps:
 1. Parties wishing to file for reconsideration of the Commission's Order shall do so within 10 calender days from the date of the Commission's Order; and
 2. Parties wishing to reply to any request for reconsideration shall do so within seven calender days from the date petitions for reconsideration are due; and
- Vary Minnesota Rules, part 7829.3000, subparts 1 and 4 to permit the preceding schedule.

Commissioner Reha proposed to amend the motion to set the price for cageless space construction at \$0, but permitting Qwest to propose a new price for this element in the future through the ALJ-recommended method for setting new prices.

Commissioner Garvey accepted the amendment.

The amended motion passed 4-1. Chair Scott voted no.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION

Approval Date:

November 4, 2002

Burl W. Haar
Executive Secretary