

The Commission met on **Thursday, September 17, 2002**, with Chairperson Greg Scott and Commissioners Garvey, Johnson, Koppendrayner and Reha present.

Comment [COMMENT1]: Minutes by Peter Brown. 7 motions were made.

TELECOMMUNICATIONS AGENDA

P-999/M-02-1403

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

Commissioner Scott moved that the Commission

1. approve all petitioning ETCs' requests for certification; and
2. approve Staff's proposed schedule for processing similar petitions in the future, as follows:

August 1 - Deadline for ETCs to file petitions. Each ETC filing must include an affidavit from a corporate officer of the ETC, including a sworn statement that any support received will only be used for intended purposes. The filing must also include additional documentation pertaining to the previous year's Federal High-Cost support received and the ETC's operational and capital expenditures.

August 20 - Deadline for comments by the DOC, RUD, and other interested persons.

August 30 - Deadline for replies.

The motion passed 5-0.

P-507, 429, 421/CP-97-1622

In the Matter of a Petition for Reconsideration of the Certification of the EAS Balloting Results Approving Extended Area Service from the Callaway Exchange to the Detroit Lakes Exchange

Commissioner Koppendrayner moved that the Commission deny the petition for reconsideration.

The motion passed 4-1. Commissioner Garvey voted no.

Commissioner Reha moved that the Commission

1. accept the 191 signatures on the petition opposing installation of EAS as a petition to remove EAS, subject to the customary opportunity to challenge the

2. validity of the signatures,
move expeditiously to consider that petition; and
3. authorize the Executive Secretary to establish the exact procedure and give notices.

The motion passed 5-0.

P-421/C-02-1439

In the Matter of the Complaint of McLeodUSA Telecom Development, Inc. Against Qwest Corporation Regarding the Payment of Switched Access Charges

Commissioner Koppendrayer moved that the Commission

1. find that the complaint lies within the Commission's jurisdiction and that there is a reasonable basis for investigation;
2. deny MTD's petition for temporary relief;
3. refer the matter to the Office of Administrative Hearings for record development by an Administrative Law Judge;
4. ask the ALJ to develop the record on the standards for penalties and give input, not on a recommended dollar amount of any penalty, but on the issue of whether any violation found was "knowing and intentional".

The motion passed 5-0.

P-421/C-01-1896

In the Matter of Onvoy, Inc.'s Complaint Against Qwest and Request for Expedited Hearing

Commissioner Reha moved to reconsider the Commission's ORDER RESOLVING COMPLAINT, SETTING COLLOCATION PRICES, AND SETTING PROCEDURAL SCHEDULES (July 3, 2002) regarding the issue of awarding interest.

The motion passed 5-0.

Chair Scott moved to award 6% interest payments to both Onvoy, Inc. (Onvoy) and Qwest Corporation (Qwest).

The motion passed 3-2. Commissioners Garvey and Koppendrayer voted no.

Commissioner Reha moved to direct Onvoy and Qwest to recalculate true-ups within two weeks of the Commission's Order to reflect the Commission's decision upon reconsideration, and to make any adjustments to the payments within on month of the Commission's Order.

The motion passed 5-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION

Approval Date:

October 3, 2002

Burl W. Haar
Executive Secretary