

June 3, 2003

Luly Massaro, Clerk
Division of Public Utilities and Carriers
89 Jefferson Boulevard
Warwick, RI 02888

Re: Digital Filings at the DPUC and the PUC – Docket No. D-03-08

Dear Luly:

The following represents the comments of Interstate Navigation Company (Interstate) on the proposed rules.

The law states that effective September 1, 2003, "all filings" made at the Division or Commission must also be provided digitally. Rule 2(e) defines the term "filing" to mean any "application, petition or tariff, filed by a public utility or a CATV company, with either the Division or the Commission, which seeks (1) approval for a change in its rates, tolls or charges; or (2) authority to reduce existing services; or (3) any other document not specifically identified above, which the Commission or the Division deem to be of significant public interest."

As I read this proposed rule, the only filings that would have to be digitized would be applications, petitions, or tariffs seeking a change in rates or seeking to reduce existing service, unless the Commission or the Division deems an individual filing to be "of significant public interest." However, nothing in the proposed rule sets forth how this determination of significant public interest will take place.

We make a number of filings which are unrelated to a rate change or a reduction of services, and unless deemed to be of significant public interest, it appears they would not need to be digitized under the proposed rule.

The definition of "filing" may be inadequate, not only because it does not define how the significant public interest determination will be made by the Division and Commission, but also because it is not clear whether a rate change "application" is just the application itself or also includes the many supporting documents for a typical application, such as prefiled testimony (direct, rebuttal, compliance, etc.), supporting schedules, and related documents. Since the definition is unclear as to exactly what constitutes an "application," and since it is also unclear what standards and/or procedures will be used to determine what other documents are of "significant public interest," our feeling is that it would be better to get the matter clarified so that we do not struggle with this in each and every filing.

The statute and the proposed rule also require the current tariffs of all public utilities to be on file digitally with the Division. The rules define a digital filing as a computer disk in Word or PDF format.

One concern is that the specific formats allowed (Word and PDF) do not allow for filing in Excel spreadsheet format, although other formats such as Excel may be allowed by the Clerk's Rule 3(b) discretion.

In terms of the website that the Division will be maintaining, the Division is proposing in Rule 4(b) to keep the digital documents on the website during the course of each docket, but to purge them at the conclusion of the proceeding. We see no major problem with this, although there are times when it is advantageous to be able to access filings that were made either by us or other utilities on related issues and it does not seem to us to be a great burden for the Division to maintain these filings on their website for a while.

With regard to any "major decision," which is defined as Reports and Orders of the Division and Commission, those will be available for review on the website for at least six months. After that period, access will be available only through a web link to a commercial database retrieval service for which a fee is charged. We disagree with this. We believe the Division should maintain the Report and Order database forever. These Reports and Orders are the jurisprudence of the Division and Commission and should be continually maintained digitally as they are in hard copy the Division/Commission library. The fee for use of the Comp Base CD-ROM or on-line database is significant and in my opinion, the Division should simply keep all Reports and Orders available as public documents rather than purging them after six months. Making them available on-line only to those people who can afford them seems unfair and prejudicial.

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Rule 4(g) deals with utility tariffs. They must be made available for review digitally either by actual inclusion on the Division's website or by a link to a tariff page on the public utility's website. This means that we could post our current tariffs on our own website and that would be considered compliance with the rule. We think this is a good idea and we support it.

If you have any questions, please feel free to call.

Very truly yours,

Michael R. McElroy

MRMc:tmg
In7:Filing-Linda
cc: Susan E. Linda
Walter E. Edge, Jr., CPA