

**State of Rhode Island and Providence Plantations**

**Public Utilities Commission**

**Minutes of Open Meeting Held February 4, 2003**

**Attendees: Chairman Elia Germani, Commissioner Kate Racine, Commissioner Brenda Gaynor, Steve Frias, Cindy Wilson, Thomas Massaro, Alan Nault, Douglas Hartley and Luly Massaro.**

**Commissioner Racine called the open meeting to order at 2:00 P.M. in the first-floor hearing room of the Public Utilities Commission. Chairman Germani was not present. However, a quorum was present and Commissioner Racine proceeded to discuss the following items:**

**3459 – New England Gas Co.:** There was no discussion of this docket.

**Draft Minutes of Open Meetings:** Commissioner Racine moved to approve the draft Minutes of Open Meetings held on November 6, 2002, November 26, 2002, January 8, 2003, January 16, 2003 and January 23, 2003. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 2-0.** Commissioner Racine held over consideration of the draft minutes of the open meetings held on January 10, 2003 and January 30, 2003 until the Chairman's arrival.

**Competitive Telecommunications Service Providers:**

The following companies registered to operate in RI. The Division has reviewed the registrations and recommends approval of:

2262(V17) - Better World Telecom, Inc.

2262(W17) - Coleman Enterprises, Inc.

After review, Commissioner Racine moved to approve the registrations. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 2-0.**

The following companies submitted tariff revisions. The Division has reviewed the tariff filings and does not recommend suspension of:

2702 – Verizon Select Services, Inc. (filings submitted on 01/21/03 & 01/29/03)

3315 - T-NETIX Telecommunications Services, Inc.

2535 – Cox RI Telcom, LLC

3028 - Qwest Communications Corp.

2262(O) - VarTec Telecom, Inc.

2262(C8) - CTC Communications Corp.

2262(V5) - BellSouth Long Distance, Inc.

2262(U6) – America's Tele-Network Corp.

After review, the Commission followed the Division's recommendation that the tariff filings be allowed to become effective without suspension.

**3487 – Verizon Rhode Island (“Verizon”):** Verizon submitted a tariff filing to revise Verizon’s intrastate access tariff to clarify the regulations pertaining to the jurisdictional determination of Switched Access traffic and customer reporting of the Switched Access percentage of interstate usage (PIU) factors for effect February 6, 2003. The Division filed a letter indicating that the tariff filing is fair, reasonable and should be approved. Commissioner Racine moved to approve Verizon’s proposed filing. Commissioner Gaynor seconded the motion. The motion was unanimously passed. **Vote 2-0.**

**Chairman Germani arrived and participated on the following matters:**

**3452 – Pawtucket Water Supply Board (PWSB):** This docket relates to the Commission’s inquiry into the status of PWSB’s new water treatment plant. The Commission expressed concern that serious problems continue to exist at the PWSB in that it cannot reliably meet EPA mandates on current and future water quality standards. Also, the existing treatment plant continues to require repairs that could result in additional costs to the detriment of the ratepayers. Pursuant to R.I.G.L 39-4-2, Commissioner Racine moved that the Commission continue to investigate the situation at the PWSB. Under the statute, the Commission can order repairs and improvements to the utility’s plant if, after investigation and hearing, it finds that the PWSB plant is inadequate. The motion was seconded by Chairman Germani and unanimously passed. **Vote 3-0.** Commissioner Gaynor further requested that, as soon as possible, PWSB provide any contingency plans PWSB has in place in the event of a catastrophic event.

**NYPA Issues Regarding the Niagara Relicensing Process:** It was noted Pascoag Utility District is the only recipient in RI to receive power from NYPA and that the Commission is the bargaining agent to negotiate for NYPA power allocations. The Commission has allowed Mr. Garille to take the lead on the relicensing process as long as he keeps the Commission fully apprised of his actions. After discussion, the Commission confirmed and authorized Mr. Garille to continue negotiation on behalf of the State, subject to ratification by the Commission. Mr. Garille should continue to keep the Commission apprised of the status of the relicensing process.

**Draft Minutes of Open Meetings:**

Consideration of the draft minutes of the January 10, 2003 open meeting was postponed pending further review.

After discussion, Commissioner Gaynor moved to approve the draft minutes of the January 30, 2003 open meeting and, as evidence of the emergency basis for the meeting, to attach the certified transcription of the tape recording made of the open meeting to the minutes. The motion was seconded by Commissioner Racine. Chairman Germani dissented on the basis that the minutes do not reflect statements that were made by the Chairman. Commissioner Gaynor stated that the transcript speaks for itself. **Vote 2-1.**

During further discussion regarding the Chairman's dissent, Commissioner Racine stated that the Chairman was welcome to submit any proposed edits to the minutes for consideration at this or any future open meeting.

The open meeting adjourned at 2:55 P.M.