

State of Rhode Island and Providence Plantations

Public Utilities Commission

Minutes of Open Meeting Held April 1, 2003

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

Chairman Germani called the open meeting to order at 10:08 A.M. in the first-floor hearing room of the Public Utilities Commission. A quorum was present.

Draft Minutes of Open Meetings: Chairman Germani asked for a motion to approve the draft minutes of open meeting held on March 13, 2003. Commissioner Racine moved to approve the draft minutes. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

Competitive Telecommunications Service Providers:

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

2262(E18) – C III Communications Operations, LLC

2262(D18) – Global Communications Consulting Corp.

Chairman Germani asked for a motion and Commissioner Racine moved to approve the registrations. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

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

2472 – Sprint Communications (filings submitted on 03/18, 03/19 & 03/27)

2486 – MCI metro Access Transmission Service

3196 – Z-Tel Communications, Inc.

2618 – AT&T Communications, Inc. (filings submitted on 03/18 & 03/21)

2262(P8) – New Century Telecom, Inc.

2262(Y15) – World Communications Satellite Systems, Inc.

2262(G16) – NYNEX Long Distance Co.

2262(Q2) – Affinity Network, Inc.

2262(P2) – NOSVA Limited Partnership

2262(O2) – NOS Communications, Inc.

2262(M14) – KDD America, Inc.

2262(P7) – MCI WorldCom Communications

2262(E2) – Teleconnect Long Distance Services and Systems

After review, the Commission followed the Division's recommendation that the tariff filings be allowed to go into effect without suspension.

The following companies ceased operations and requested that their authority to operate in RI be recalled and rescinded. The Division supports the requests:

2262(Y16) – Dialaround Enterprises, Inc.

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

After review, Chairman Germani asked for a motion and Commissioner Racine moved to rescind and recall the authority to operate of the companies. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

3498 – Verizon Rhode Island (Verizon): Verizon submitted a tariff filing to introduce Extended Referral Service as an optional intercept service for business customers that provides for the continued referral of a disconnected, suspended or changed number beyond the minimum basic referral period for effect April 10, 2003. After review, the Commission followed the Division’s recommendation that the tariff filing be allowed to go into effect without suspension.

3466 – Verizon Rhode Island: Verizon filed to update existing tariff page to reflect and would allow CLECs the option of ordering *single* security cards to gain access to Verizon facilities and their collocation arrangements in single increments for effect April 2, 2003. After review, the Commission followed the Division’s recommendation that the tariff filing be allowed to go into effect without suspension.

3437 – Global NAPs Petition for Arbitration to Establish an Interconnection Agreement with Verizon RI: Discussion related to Verizon’s Motion for Reconsideration of the Final Arbitration Decision and Order No. 17350 issued on January 24, 2003. Verizon requests that the Commission reconsider the portion that addresses the Commission’s jurisdiction with respect to ISP-bound traffic. After review, Commissioner Gaynor moved to deny the motion for reconsideration filed by Verizon. The motion was seconded by Commissioner Racine and unanimously passed. **Vote 3-0.** Discussion indicated that the Commission would entertain a petition from Verizon to address its issue in a generic proceeding.

3438 - Certification Process of Gas Service Employees: This docket was initiated by the Commission for the purpose of addressing the Certification Process of Gas Service Employees that is required by the RIGL § 39-2-23. Discussion related to the Attorney General’s Motion for a Stay of Administrative Proceeding in this docket and request that the Commission defer any action in this docket until the US District Court issues decisions on two separate actions with respect to the legal issues before the courts and this Commission. New England Gas Company also filed a motion for a stay. The Steelworkers Local 12431 submitted an objection to the motion.

After discussion, Commissioner Racine moved to deny the AG’s motion. Commissioner Gaynor seconded the motion. Commissioners Racine and Gaynor opined that the moving parties had not met their burden of demonstrating the alleged harm, conflict of interest

and violation of due process that would result from moving forward with the rulemaking in this docket. The Commission must presume that the state law which mandates the promulgation of the certification rules is constitutional and continue with its rulemaking process unless and until otherwise directed by a court. Chairman Germani dissented, noting that it is a matter of judicial economy to grant the stay. **Vote 2-1.**

3452 – Pawtucket Water Supply Board (PWSB): This docket relates to the Commission's investigation into the adequacy of PWSB's existing water treatment plant. Discussion related to US Filter's motion to intervene in the docket. The PWSB submitted an objection to the motion. A hearing on the motion was held on March 20, 2003.

After discussion, Commissioner Gaynor asked for a motion and Commissioner Racine moved to deny the motion to intervene filed by US Filter. The motion was seconded by Chairman Germani and unanimously passed. **Vote 3-0.**

There being no further business to discuss, the open meeting adjourned at 10:30 A.M.