

State of Rhode Island and Providence Plantations

Public Utilities Commission

Minutes of Open Meeting Held May 8, 2003

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

Chairman Germani called the open meeting to order at 10:00 A.M. in the first-floor hearing room of the Public Utilities Commission. A quorum was present.

Competitive Telecommunications Service Providers:

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

3510 - NEON Connect, Inc.

2262(H18) - Gates Communications, Inc.

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:

2736 - Conversent Communications of RI

3233 - Touch America, Inc.

2618 - AT&T Communications of New England, Inc.

2472 - Sprint Communications

3336 - United Systems Access Telecom, Inc.

2449 - Brooks Fiber communications of RI, Inc.

3196 - Z-Tel Communications, Inc.

2702 - Verizon Select Services, Inc.

2262(G16) - NYNEX Long Distance Co.

2262(F16) - Bell Atlantic Communications, Inc.

2262(W16) - North by NortheastComm, LLC

2262(P8) - New Centry Telecom, Inc.

2262(P7) - MCI WorldCom Communications, Inc.

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

The following company ceased operations and requested that its authority to operate in RI be recalled and rescinded.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

2262(W1) - National Accounts, Inc.

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

Verizon RI Interconnection Agreements (ICAs):

The following ICAs were submitted for approval. The Division has reviewed the ICAs and recommends approval of:

3511 - ICA entered between Verizon and IDT America, Corp.

3509 - ICA entered between Verizon and Metro Teleconnect Companies

3505 – ICA entered between Verizon and DSLnet Communications, LLC

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

2681 – Verizon Rhode Island: In this docket, the Commission ordered Verizon to file new rates based on TELRIC cost studies as outlined in Order No. 16793. On March 26, 2003 Verizon filed a Motion to Postpone Further Filings. In support of its motion, Verizon maintains that FCC has announced that it will issue an order in its Triennial Review proceeding in which it is conducting a wholesale reexamination of the facilities that ILECs like Verizon must provide to competitors as unbundled network elements. The FCC order may result in substantial changes in the elements that Verizon will be required to provide on an unbundled basis and in the rules for establishing TELRIC prices for such elements. The Division submitted response indicating that it does not oppose Verizon’s motion and recommended that the Commission establish a date-certain within thirty (30) days from the FCC’s issuance of its order to conduct a procedural conference. Intervenor, WorldCom, AT&T and Cox, filed a response opposing Verizon’s motion. After review, Chairman Germani moved to approve the motion filed by Verizon and the Division’s recommendation to schedule a procedural conference. The motion was seconded by Commissioner Racine and unanimously passed. The Commission can revisit the issue at the appropriate time. **Vote 3-0.**

3256 – Verizon Rhode Island: This docket relates to the Commission’s review of Verizon’s services provided to Competitive Local Exchange Carriers (CLECs) and penalties under the Performance Assurance Plan (PAP). On February 14, 2003 Verizon filed a revised PAP for RI. The revised PAP incorporates changes and is consistent with the New York Public Service Commission January 23, 2003 order. Atty. Frias recommended that the Commission hold a technical session sometime in June so that the Commission would have twelve (12) months of data under the PAP for review. The Commission agreed to postpone decision.

3474 – Pascoag Utility District: This docket relates to the Commission’s review of the Pascoag’s 2003 DSM programs and budget. On April 15, 2003 Pascoag filed a request to allocate actual carry-over funds in the amount of \$16,154 from the 2002 DSM budget to previously approved DSM programs. The Division submitted a memorandum indicating that it has reviewed the request and recommended approval of Pascoag’s request. After review, Commissioner Racine moved to approve Pascoag’s request as filed. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

The open meeting adjourned at 10:15 A.M.