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October 7, 2003

BY FEDERAL EXPRESS

Ms. Luly Massaro
Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, Rhode Island 02888

Re: Docket No. 3545 – In Re Rules and Regulations Governing the
Telecommunications Education Access Fund Required Under
R.I.G.L. § 39-1-61

Dear Ms. Massaro:

Cox Rhode Island Telcom, L.L.C. (“Cox”), through its undersigned counsel, respectfully submits this letter in response to letters filed by Verizon on September 29, 2003 and October 1, 2003 in the above-referenced proceeding.

None of the heavy rhetoric Verizon employs in its comments in this proceeding can conceal one simple fact – that is, that if Verizon’s interpretation is adopted by this Commission, there will be six months’ fewer resources in the Telecommunications Education Access Fund (“TEAF”) to provide services to Rhode Island’s students and library constituents.

Cox therefore reiterates its position, based on the effective date of R.I.G.L. § 39-1-61 and on the explicit language in the settlement agreement approved by this Commission in Docket 3445, that the Commission should order Verizon to continue funding the Internet access it had already committed to provide to Rhode Island’s schools and libraries prior to the passage of the Statute. Given the uncertainty expressed by Mr. Fiske of the Department of Education, surrounding how much money will be collected through the \$0.26 surcharge, the Commission

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should exercise all options available to it to ensure that the maximum resources are available to Rhode Island's students. Allowing Verizon to collect funding for the period January 1 - June 30, 2004, a period during which they had previously committed to provide such funding, would clearly run counter to this goal.

Similarly, the Commission should reject Verizon's attempt, in its September 30, 2003 comments, to revise Part II, Section 7 of the proposed Regulations to exclude wireless devices. Verizon suggests that the language in Part II, Section 7 of the proposed Regulations be revised to clarify "that the surcharge . . . does not apply to wireless devices and carriers, as is evident by the language in paragraph (d)(1) of the Statute." Verizon's interpretation distorts the language of paragraph (d)(1), which reads, in part,

"The General Assembly shall annually review the surcharge to determine if it should be applied to wireless service."

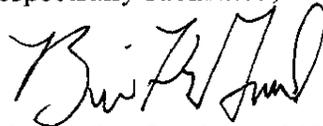
Based on this annual review, and from the standpoint of administrative efficiency, the Commission need not and should not address in its Regulations the issue of whether the surcharge should apply to wireless. Indeed, it would be counterproductive for the Commission to do so, given that the Legislature could revise its view of whether to apply the surcharge to wireless providers in just one year, which would require the Commission to amend its Regulations. Moreover, placing this condition in the regulations would not maximize potential Internet funding available to Rhode Island's students and library constituents – a move that is clearly contrary to the public policy goals of the Statute.

Cox appreciates the opportunity to file these comments to clarify its position on this important new program. Thank you for your consideration.

Please time and date-stamp the extra copy of this letter and return it to me in the enclosed self-addressed, stamped envelope.

If you have any questions regarding this filing, please contact me.

Respectfully submitted,



Brian T. FitzGerald (#6568)

BTF/rsb

Enclosure

cc: Jennifer J. Marrapese, Esq.
Service List (via e-mail)