

September 16, 2003

Luly Massaro, Clerk  
Public Utilities Commission  
89 Jefferson Blvd.  
Warwick, RI 02889

**Re: Docket No. 3545**

Dear Ms. Massaro,

This letter reflects the comments of the Division of Public Utilities and Carriers regarding the proposed Rules and Regulations Governing the Rhode Island Telecommunications Education Access Fund.

1. Part II, Section 7 – The term “Telecommunications [S]ervices [P]rovider” must be defined more precisely. Currently, Rhode Island telephone consumers may utilize three different telecommunication carriers simultaneously: local, instate toll service and interstate long distance. Under the proposed definition, a ratepayer could be required to pay more than the statutorily proscribed 26 cents a month.
2. Part III, Section 1
  - a. Section 1 should define by whom the surcharge will be imposed. *i.e.*, the modified definition of “Telecommunication Service Provider”.
  - b. “R.I.G.L. § 39-1-61(d)(1)” should read: “R.I.G.L. § 39-1-61(d)(2)”
3. Part III, Section 2 – “...the surcharge listed in Part II, Section 1...” should read “...the surcharge listed in Part III, Section 1...”
4. Part III, Section 4 – The term “Schools and Library Fund” should not be utilized to identify the charge on the telephone subscriber’s bill. Use of this terminology may lead telephone users to believe they are subsidizing all school and library

expenses. Rather, the Division believes the billing line item should read “School and Library (Internet or Telecommunications Access Fund).”

5. Part IV, Sections 1 & 2 – Before the rules are promulgated, one should have a clear idea of how the Department of Education intends to conduct the RFP process. For example, will there be single, statewide RFP or multiple RFPs? How long will the RFP process take? How long will review of all of the bids take? What will the duration of the (each) contract awarded be? Is submission by the Department of Education of its Request for Proposals to the Commission one time per year sufficient? What is the relationship between the contracts awarded and the school year (if any)? Has adequate time been factored into entire process in the event of an appeal?
6. Part IV, Section 4
  - a. “dipursements” should read as “disbursements”
  - b. What does “competitive neutrality” mean?
  - c. This section appears out of order because the “accounting” process follows the “transfer” process.
  - d. What does “accounting” mean?
7. Part IV, Section 5
  - a. “dispersement” should read as “disbursement”
  - b. What does “best serve the internet access needs of schools and libraries” mean?
  - c. “winning proposal(s)” should read “successful bid(s)”
  - d. Again, is “annual” review of the RFP(s) sufficient?
8. Part IV, Section 6
  - a. This paragraph is rendered confusing because of how the word “it” is used
  - b. “disbersement” should “disbursement”
  - c. The terms “financial statements” and “liable” are not proper terminology as they are used in the context of this sentence.
9. Part IV, Section 8 – This section is incomplete.

10. There is a typographical error in the title: “Telecommunicatsion” should read “Telecommunication”. Also, usually rules and regulations contain a cover sheet reflecting the jurisdiction, the promulgating agency, the title of the rules and the Date of Public Notice, Date of Public Hearing and Effective Date of the rules.

Very truly yours,

Leo J. Wold  
Special Assistant Attorney General