



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PUBLIC UTILITIES COMMISSION
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Chairman Ella Germani
Commissioner Kate F. Racine
Commissioner Robert B. Holbrook

MEMORANDUM

To: Participants at the Hearing in Docket 3545 and other Interested Parties
From: Cynthia G. Wilson, Senior Legal Counsel
Date: September 17, 2003
Re: Comments on the Commission's Proposed Rules Regarding the
Telecommunications Education Access Fund

At the hearing today, in response to Division comments, I posed a question regarding the definition of a "Telecommunications Services Provider." The parties requested that I put the question in writing.

Simply put, I am requesting the parties address the appropriate definition of "Telecommunications Services Provider" in their respective comments.

The actual question, with all background is as follows:

The Division stated "the term 'Telecommunications Services Provider' 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."

In reviewing the E-911 funding statute, R.I.G.L. § 39-21.1-14(a), the language is almost identical to R.I.G.L. § 39-1-61(d)(1) and only customers are only charged on their bills for local service. However, further review leads one to R.I.G.L. § 39-21.1-3(11), which specifically defines Telecommunications Services Provider very specifically and in relation to the Emergency Telephone System. It quite clearly indicates that only local telephone carriers assess the charge.

There is no such definition section or exemption in R.I.G.L. § 39-1-61 and thus, not indication whether the General Assembly only meant for an end-user to be charged on their local telephone bill.

Would it be reasonable to read the very specific definition contained in the E-911 statute as an indication that such surcharges are only to be applied to local telephone bills?