

**State of Rhode Island and Providence Plantations**

**Public Utilities Commission**

**Minutes of Open Meeting Held February 13, 2003**

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

**Chairman Germani called the open meeting to order at 2:05 P.M. in the first-floor hearing room of the Public Utilities Commission. A quorum was present.**

**Draft Minutes of Open Meetings held on December 4, 2002, December 20, 2002, January 10, 2003 and February 4, 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 RI. The Division has reviewed the registrations and recommends approval of:

2262(X17) - Yak Communications (America), Inc.

2262(Y17) - Bee Line Long Distance, LLC

After review, 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:

2262(O) - VarTec Telecom, Inc.

2262(U) - Touch 1 Communications, Inc.

2262(P7) – MCI WorldCom Communications, Inc.

2621 – MCI WorldCom Communications, Inc.

2531 – Intermedia Communications, Inc.

2449 - Brooks Fiber Communications of RI, Inc.

3196 - Z-Tel Communications, Inc.

2472 - Sprint Communications

2618 - AT&T Communications of NE, Inc.

After review, the Commission followed the Division's recommendation that the tariff filings be allowed to become effective without suspension.

**Verizon RI Interconnection Agreements (ICAs):**

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

3488 - ICA entered with QuantumShift Communications, Inc.

3489 - ICA entered with Line 1 Communications, LLC db/a Direct Line Communications

**3490 – Verizon Rhode Island (Verizon):** Verizon submitted a tariff revision to Station Message Detail Recording to introduce an Internet access method of retrieving information for effect February 28, 2003. After review, the Commission followed the Division’s recommendation that the tariff filing be allowed to become effective without suspension.

**3492 – Verizon Rhode Island:** Verizon submitted a tariff filing to introduce Enhanced FlexGrow Service for effect March 2, 2003. FlexGrow is an intraexchange, multifunctional digital service for business customers that provides voice and high speed data services on an integrated basis over a single high-capacity T1 facility. After review, the Commission followed the Division’s recommendation that the tariff filings be allowed to become effective without suspension.

**3438 – Certification Process of Gas Service Employees:** The Attorney General filed a Motion for a Stay of Administrative Proceeding in this docket, and requested 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. NEGas also filed a motion for a stay. The Steelworkers Local 12431 submitted an objection. In view that there are two motions for stay and an objection, Atty. Wilson recommend that the Commission schedule a hearing for oral arguments to fully analyze the reasons in support of the motions.

Atty. Wilson also stated she had an issue with NEGas’ filing by its attorney, Craig Eaton, on February 12, 2003, alleging that the entire rulemaking process had been flawed in that it violated NEGas due process, it contained notice violations and that the selection of Mr. Lanni as the facilitator, was improper. For the record, Atty. Wilson indicated that a Notice of the Pre-hearing Scheduling Conference to be held on July 9<sup>th</sup> had been duly published in the Providence Journal on June 20, 2002. The minutes of the pre-hearing conference reflect that Atty. Eaton was present at the July 9, 2002 pre-hearing conference and at that time, he did not object, nor did he express any objection at any subsequent meetings held in this docket.

Commissioners Racine and Gaynor asked that Atty. Lueker be prepared to address the hardship to the Attorney General that would result if the Commission did not defer action in this docket until the US District Court issues its decisions. Also, Atty. Eaton should be prepared to address his concerns and explain how NEGas’ due process rights were violated in the rulemaking process in this docket.

The open meeting adjourned at 2:25 P.M.