

State of Rhode Island and Providence Plantations

Public Utilities Commission

Minutes of Open Meeting Held July 26, 2011

Attendees: Chairman Elia Germani, Commissioner Mary Bray, Commissioner Paul Roberti, Patricia Lucarelli, Cindy Wilson-Frias Amy D'Alessandro, Alan Nault, Sharon Colby Camara, Dilip Shah and Luly Massaro. Staff Nick Ucci was not present.

Chairman Germani called the open meeting to order at 1:00 P.M. in the first-floor hearing room of the Public Utilities Commission. A quorum was present.

Competitive Telecommunications Service Providers

The following companies filed an application for authority to provide telecommunications service in RI. The Division has reviewed the application and recommends approval of:

4266 – Nexus Communications, Inc.

4267 – Virgin Mobile, USA, LP

After review, Commissioner Bray moved to approve the applications. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

The following company filed revisions to existing tariffs. The Division has reviewed the tariff filing and recommends that it be allowed to go into effect without suspension:

3028 – Qwest Communications Co. of Delaware (tariff filings 7/8/11)

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

The following companies requested that their authority to transact business in RI be rescinded:

3853 – Global Capacity Group, Inc.

2262(X19) - DelTel, Inc.

After review, Commissioner Bray moved to rescind the authority of the companies.

Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4264 – Verizon Rhode Island – Verizon filed for approval an Interconnection Agreement (ICA) between Verizon RI and Halo Wireless Services, Inc. The Division filed a recommendation to approve the ICA. After review, Commissioner Bray moved to approve the ICA. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4239 - YourTel America, Inc. –YourTel America filed on April 21, 2011 a Petition for Designation as an Eligible Telecommunications Carrier for Low Income Support. The Division filed comments indicating that YourTel America has satisfied the burden of proof of compliance with FCC Rules & Commission Rules and that it has no objection to the Commission granting YourTel America ETC status. After review, Commissioner Bray moved to approve YourTel America's petition for ETC designation. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4238 - Nexus Communications, Inc. – Nexus filed on April 18, 2011 a Petition for Designation as an Eligible Telecommunications Carrier (ETC) for Low Income Support. The Division filed comments indicating that Nexus has satisfied the burden of proof of compliance with FCC Rules

& Commission Rules and that it has no objection to the Commission granting Nexus Communications ETC status. After review, Commissioner Bray moved to approve Nexus Communications' petition for ETC designation. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4256 – Cox Rhode Island Telcom, LLC – On July 18, 2011 Cox's submitted a letter seeking a modification to Order No. 20395 (Cox's Waiver Request for Number Block) and that it be allowed to retain the entire block of numbers as they will be utilized to accommodate customers' requests for additional numbers. After review, Commission Bray moved to amend Order No. 20395 to facilitate Cox's request. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4206 - National Grid – The Commission reviewed the record and deliberated on National Grid's October 19, 2010 Revenue Decoupling Mechanism (RDM) Proposal for Gas and Electric Distribution Systems. The Commission ruled on the following outstanding issues:

1. Chairman Germani moved that the RDM proposal is consistent with the statutory definition in R.I.G.L. §39-1-27.7.1(c)(1). Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**
2. Chairman Germani moved to find that the RDM proposal is consistent with the following purposes:
 - a) Increasing efficiency in the operations and management of the electric and gas distribution system;
 - b) Achieving the goals established in the electric distribution company's plan for system reliability and energy efficiency and conservation procurement as required pursuant to subsection 39-1-27.7(c);
 - c) Increasing investment in least-cost resources that will reduce long-term electricity demand;
 - d) Reducing risks for both customers and the distribution company including, but not limited to, societal risks, weather risks and economic risks;
 - e) Increasing investment in end-use energy efficiency;
 - f) Eliminating disincentives to support energy efficiency programs;
 - g) Facilitating and encouraging investment in utility infrastructure, safety and reliability;
 - h) Considering the reduction of fixed, recurring customer charges and transition to increased unit charges that more accurately reflect the long-term costs of energy production and delivery.Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**
3. Chairman Germani supported and moved to approve a RDM based on a Uniform Adjustment Factor, applied to all customer classes, as proposed by the Company. Therefore, the RDM proposal based on class specific RDM factors is rejected. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
4. Chairman Germani moved to exclude the Large and Extra Large C&I gas customers from the RDM proposal as proposed by NGrid. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**

5. Chairman Germani moved to disallow the imposition of 5% caps on RDM rate adjustments. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**
6. Chairman Germani moved to approve NGrid's proposal to seek an interim adjustment whenever a deferral balance of more than 10% of the ATR is projected. It would be within the Commission's discretion whether or not to approve such interim rate adjustment. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**
7. Chairman Germani moved to not change the reconciliation period for the first RDM. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**
8. Commissioner Bray moved to not change the effective date of the electric RDM from July 1 to October 1. Commissioner Roberti seconded the motion and the motion was unanimously passed. The Commission however, changed the filing date for the electric RDM to May 15. **Vote 3-0.**
9. Commissioner Bray moved to change the filing date of the gas RDM from August 1 to July 1. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
10. Commissioner Roberti moved to disallow the exclusion of sales losses from major service outages from RDM. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**
11. Commissioner Roberti moved to disallow the exclusion of out of period billing adjustments from RDM. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**
12. Commissioner Roberti moved that NGrid be allowed interest on reconciliation balances. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**
13. Chairman Germani moved to deny the George Wiley's request that low income customers receive a full benefit of an RDM reduction but a surcharge only on a portion of usage that exceeds a level specified by the Commission. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**
14. Chairman Germani moved to reject CLF's recommendation that the gas RDM be based on ATR instead of RPC. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4209 - National Grid – There was no discussion of this docket because the Commission issued a bench decision at the July 25, 2011 hearing. At the hearing, the Commission approved the Agreement to revise National Grid's 2011 Gas Efficiency Program Plan and approved the proposed amended Energy Efficiency Program charge for effect August 1, 2011.

4263 - Northern Waterfront LP – The Commission reviewed the record in connection with Northern Waterfront’s petition to construct a temporary railroad crossing to provide a private access road between the existing Carnegie Abbey resort and an existing equestrian center. After review, Commissioner Bray moved to approve the petition. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

The open meeting adjourned at 1:30 P.M.