

State of Rhode Island and Providence Plantations

Public Utilities Commission

Minutes of Open Meeting Held September 28, 2004

Attendees: Chairman Elia Germani, Commissioner Kate Racine, Commissioner Robert Holbrook, Cindy Wilson, Thomas Massaro, Alan Nault, Douglas Hartley and Luly Massaro.

Chairman Germani called the open meeting to order at 2:00 PM in the first-floor hearing room of the Public Utilities Commission. A quorum was present.

Minutes of Open Meetings held on September 23, 2004: Commissioner Racine moved to approve the minutes. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 3-0.**

Competitive Telecommunications Service Providers:

The following company registered for authority to operate in RI. The Division has reviewed the registration and recommends approval of:

2262(O19) - Quick Tel, Inc.

Chairman Germani asked for a motion and Commissioner Racine moved to approve the registration. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 3-0.**

The following companies filed tariff revisions. The Division has reviewed the tariff filings and does not recommend suspension of:

2262(Q2) - Affinity Network Inc. (tariff filed 9/15/04)

2535 - Cox RI Telecom LLC (tariffs filed 9/15)

2426 - TCG Rhode Island (tariffs filed 9/15/04 & 9/17/04)

2472 - Sprint Communications (tariffs filed 9/14/04)

2486 - MCI metro Access Transmission (tariffs filed 9/13/04)

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

The following companies ceased operations in RI and request that their authority to operate be rescinded and recalled:

2262(S18) - MG, LLC d/b/a SearsConnect

3185 - IDS Telecom LLC

Chairman Germani asked for a motion and Commissioner Racine moved to rescind the authority to operate of the companies. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 3-0.**

2379(T1) - Direct Energy Services LLC: The Company filed for authority to operate as a Gas Marketer in RI. The Division has reviewed the registration and recommends approval. Chairman Germani asked for a motion and Commissioner Racine moved to

approve the registration. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 3-0.**

3631 - Verizon Rhode Island: Verizon submitted a tariff filing to clarify language that triggers "Custom Redirect Central Office" services for NPA-NXX locations within Rhode Island for effect October 1, 2004. After review, the Commission followed the Division's recommendation that the tariff filing be allowed to go into effect without suspension.

Motion to Amend the Open Meeting Agenda: Commissioner Racine asked for a motion to amend the open meeting agenda to discuss the following matter: Commissioner Holbrook moved and Chairman Germani seconded the motion to amend the agenda. **Vote 3-0.** Commissioner Racine summarized that a customer complaint was brought to her attention by Commission Atty. Frias. She noted that a customer's gas meter (residing at Red Cross Ave., Newport) was not responding to actual reads and causing an overstated bill based on estimated readings (from September 2001 – present). It appears that the meter is faulty. She asked that New England Gas examine and follow through to correct this problem.

3617 - Narragansett Electric Co.: The Commission discussed the travel of the case and highlighted the components of the Distribution Rate Plan Amended Stipulation and Settlement that was filed on September 17, 2004.

After review, Chairman Germani moved to approve the Distribution Rate Plan Amended Stipulation and Settlement ("Amended Settlement"). Commissioner Racine noted that she supported approval of the Amended Settlement with the caveat to strike Section 7(c)(1) paragraph 2 of the Settlement that references the Cities of Providence and East Providence option to waive their share of the earnings credit and apply towards the cost to underground the E-183 power lines. Commissioner Racine noted that the Commission had issued an advisory opinion to the Energy Facility Siting Board (in Docket 3564) advising that to underground the power lines was too costly and unjustifiable. She further noted that the General Assembly decided that the Cities of Providence and East Providence would not receive their portion of the shared earnings but instead apply it to the cost to bury the power lines. Commissioner Holbrook concurred and seconded the motion to approve the Amended Settlement and to strike Section 7(c)(1) paragraph 2 of the Settlement.

Motion to approve the Distribution Rate Plan Amended Stipulation and Settlement was unanimously passed. Vote 3-0.

Motion to strike Section 7(c)(1) paragraph 2 of the Distribution Rate Plan Amended Stipulation and Settlement was unanimously passed. Vote 2-0. Chairman Germani abstained from participating on the motion to strike noting that he did not participate in Docket 3564 due to his capacity as the Chairman of the Energy Facility Siting Board.

3616 - Narragansett Electric Co.: This docket relates to Narragansett's Request for Recovery of Deferred Expense filing submitted on June 18, 2004. Commission approval of the Distribution Rate Plan Amended Settlement and Stipulation in Docket 3617 makes further consideration of this docket moot and Commissioner Racine moved to close Docket 3616. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 3-0.**

3610 - Narragansett Electric Co.: This docket relates to Narragansett's Revenue Neutral Allocated Cost of Service filing submitted on June 7, 2004. Commission approval of the Distribution Rate Plan Amended Settlement and Stipulation in Docket 3617 makes further consideration of this docket moot and Commissioner Racine moved to close Docket 3610. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 3-0.**

2930 - Narragansett Electric Co.: This docket relates to the Commission's review of the First Savings Proof filing under the Third Amended Settlement approved in this docket. After review, Commissioner Racine moved to dismiss the First Savings Proof submitted by the Company. The docket, however, is not closed because Narragansett is required to submit a reconciliation filing in accordance with the Amended Settlement and Stipulate approved in 3617. The Company shall continue to make its periodic reporting filings until docket is deemed closed by the Commission. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 3-0.**

A transcript of the Commission's September 29, 2004 open meeting discussion relating to Dockets 3617, 3616, 3610 and 2930 is available at the office of the Commission Clerk.

There being no further business, the open meeting adjourned at 2:40 P.M.