

**State of Rhode Island and Providence Plantations**

**Public Utilities Commission**

**Minutes of Open Meeting Held November 23, 2004**

**Attendees:** Chairman Elia Germani, Commissioner Robert Holbrook, Steve Frias, Cindy Wilson, 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. Commissioner Racine was not present.**

**Minutes of Open Meetings held on November 9, 2004:** After review, Chairman Germani moved to approve the minutes. The motion was seconded by Commissioner Holbrook and passed. **Vote 2-0.**

**Competitive Telecommunications Service Providers:**

The following companies registered for authority to operate as telecommunications service provider in RI. The Division has reviewed the registrations and recommends approval of:

3647 – XO Communications Services, Inc.

3649 – OnFiber Carrier Services, Inc.

After review, Chairman Germani moved to approve the registrations. The motion was seconded by Commissioner Holbrook and passed. **Vote 2-0.**

2262(Q19) – GE Business Productivity Solutions, Inc. and Business Productivity Solutions, Inc. – The companies submitted a Joint Application for Approval of Transfer of the Operating Authority of GE Business Productivity Solutions (authorized in Docket 2262(C2)) to Business Productivity Solutions. The Division has reviewed the registration of Business Productivity and finds it to be complete, in conformity with the filing requirement to transact as a telecommunications service provider and recommends approval. After review, Chairman Germani moved to approve the transfer of the operating authority of GE Business Productivity Solution to Business Productivity Solutions. The motion was seconded by Commissioner Holbrook and passed. **Vote 2-0.**

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

2535 – Cox RI Telecom (filed 11/10/04)

2618 – AT&T Communications (filed 11/3/04)

2426 – TCG Rhode Island (filed 11/8 & 11/10/04)

3604 – KMC Telecom V (filed 11/10/04)

2262(V5) – BellSouth Long Distance (filed 11/5/04)

2262(C2) – GE Business Productivity Solutions (filed 11/2/04)

2262(L10) – PaeTec Communications (filed 11/10 & 11/12/04)

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

The following companies notified that they have ceased or intend to cease operations in RI and request that their authority to operate be rescinded:

2531 – Intermedia Communications, Inc. (11/16/04)

2262(C2) - GE Business Productivity Solutions (11/15/04)

2262(J11) – United States Advanced Network, Inc. (11/12/04)

After review, Chairman Germani moved to rescind the authority of the companies. The motion was seconded by Commissioner Holbrook and passed. **Vote 2-0.**

#### **Telecommunications Interconnection Agreements (ICAs):**

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

3645 – ICA entered between Verizon RI and Southwestern Bell Communications, Inc.

3644 – ICA entered between Verizon RI and BCN Telecom, Inc.

3273 – Amendment No. 2 to ICA between Verizon RI and Level 3 Communications

3587 – Amendment No. 1 to ICA between Verizon RI and Sprint Communications Co.

After review, Chairman Germani moved to approve the ICAs as submitted. The motion was seconded by Commissioner Holbrook and passed. **Vote 2-0.**

**3646 – Verizon Rhode Island:** Verizon submitted a tariff filing to introduce Business Traffic Study Service for effect November 27, 2004. After review, the Commission followed the Division’s recommendation that the filing be allowed to go into effect without suspension.

#### **3643 – Complaint of Scott Pollard Regarding Narragansett Electric’s Line**

**Extension Rates:** The Commission discussed the five issues enumerated in Mr. Pollard’s amended complaint regarding the reasonableness of Narragansett Electric’s Policy 1 - Line Extension Policy for Individual Residential Customers, subsequent motions and the responses submitted by the Narragansett Electric. The following motions were moved by Chairman Germani and seconded by Commissioner Holbrook:

- To dismiss Issues 1, 2, 3 and 5 of Mr. Pollard’s complaint. **Vote 2-0.** The Commission noted that since 1979, Narragansett has been allowed to charge for line extensions under various policies. The Commission has found Narragansett’s rates in question to be just and nondiscriminatory. The Commission opined that its approval does not make Narragansett a state actor and that taking of private property for public use under the state constitution requires real property to be at issue. Mr. Pollard is being charged money for a service. With regard to Issue 3, specifically, the policy, on its faces is applied the same to public and private roads.
- To reserve decision on issue 4 pending further investigation, and require Narragansett Electric to provide more evidence with respect the other line

extensions (approximately 13) that have occurred. **Vote 2-0.**

- To stay Mr. Pollard's Notice and Motion to Depose until the Commission has made a determination on all issues regarding the complaint. **Vote 2-0.**
- To deny Mr. Pollard Motion to Compel Construction. **Vote 2-0.** Mr. Pollard is bound to pay fees at question under the approved terms and conditions regardless of any pending claims.

The open meeting adjourned at 2:18 P.M.