

Minnesota Public Utilities Commission

REQUEST FOR COMMENTS

Possible Amendment to Rules Concerning White Pages Directory Publication and Distribution

Subject of Rule. The Minnesota Public Utilities Commission requests comments on possible amendments to its rules governing the publication and distribution of white pages directories (Minnesota Rules 7810.2900, 7811.0600, and 7812.0600). The Commission is considering modifying its rule requiring mandatory distribution of white pages directories to better balance the interests of those affected by the requirement.

The Commission wishes to identify and analyze, on a statewide basis, all issues implicated by the white pages distribution requirement, and, if appropriate, to modify the relevant rules.

The current rule requires delivery of a printed directory to each customer of a local service provider, except where an offer for a directory is made and explicitly refused by the customer. Recently, parties have requested that the Commission vary this rule, in part because the economic and environmental burden of requiring printed directories may outweigh the directories' usefulness.

The Commission is likely to consider modifying or eliminating the requirement that local service providers deliver printed directories, and also consider allowing or requiring electronic publication of directories. The Commission may consider these options independent of one another, but the availability of electronic directories may inform how the Commission evaluates the need for printed directory delivery.

The current working draft would allow local service providers to continue providing printed directories, and would require each local service provider who wishes to provide electronically published directories to (1) solicit a customer's format preference, (2) provide a directory in the customer's preferred format, and (3) exercise its business judgment concerning the format to provide to customers that do not indicate a preference.

Possible alternatives to the working draft approach include:

- Maintaining the status quo: requiring printed directories be provided unless customers "opt-out," with no requirement for electronically published directories.
- Requiring printed directories be provided unless customers "opt-out," with a requirement that electronically published directories be made available.
- Requiring electronic directories be made available unless customers "opt-in" to receive a printed directory.
- Requiring local service providers to presume, unless a customer specifies otherwise, that customers who receive paper bills wish to receive printed directories, and customers who receive electronic bills do not wish to receive printed directories.
- Requiring electronic directories be made available, with no printed directory requirement.

- Another requirement or combination of requirements not yet identified.

The Commission seeks comment on issues raised by its working draft. In particular, the Commission asks for comments that address the following questions:

1. Should the Commission establish by rule whether electronically published directories should be accessible to the public or to a limited class of persons such as customers? If so, what should the Commission require? The working draft leaves this determination to each local service provider.
2. Should the Commission establish by rule the “default” format of directories (that is, the format of directories provided to customers who do not notify their local service provider of their preference)? If so, what should the Commission require? The working draft leaves the format determination to each local service provider for customers that do not specify a preferred format.
3. Should the Commission’s rule distinguish between Business and Residential customers, either by requiring different default directory formats or by permitting local service providers to provide Business and Residential listings in different formats? The working draft leaves the default format determinations to each local service provider, and allows local service providers to publish some listings electronically, and others in print, if a customer does not specify a preferred format.

When commenting on the draft of possible amendments and the above questions, the Commission would find it helpful for comments to address the following considerations in conjunction with any recommendation:

- the expense, materials, effort, and environmental consequences of distributing printed directories;
- the effect on customers who may prefer to receive printed directories, and on customers who may prefer to receive electronic directories;
- the privacy issues that may arise from electronic publication of directory information;
- the economic effects, including identifying any other federal or state regulations that may have a cumulative effect;
- any other issue the Commission should consider.

Persons Affected. Amendments to the rules would affect all Minnesota Local Service Providers governed by Minnesota Rules 7811.0600 and 7812.0600, customers of those providers, and any non-customers that receive white pages directories. A Local Service Provider is a telephone company or telecommunications carrier providing local service in Minnesota pursuant to a certificate of authority granted by the Commission. Local service provider includes both local exchange carriers and competitive local exchange carriers. Other entities involved in the printing and distribution of telephone directories could be indirectly affected.

Statutory Authority. Minnesota Statutes, section 237.16, subdivision 8, authorizes the Commission to adopt rules applicable to all telephone companies and telecommunications

carriers that prescribe standards for quality of service, including any additional standards or requirements necessary to ensure the provision of high-quality telephone services throughout the state.

Public Comment. Interested persons or groups may submit comments or information on this possible rule in writing or orally until 4:30 p.m. on December 6, 2013. Please refer to PUC Docket No. P-999/R-13-459 in your comments. You may also electronically file your comments using the Commission's electronic filing system located at: <https://www.edockets.state.mn.us/EFiling>.

Advisory Committee. The Commission has not determined whether to appoint an advisory committee to comment on the possible amendments. The Commission welcomes comments that address whether to appoint an advisory committee. If you are willing to serve on an advisory committee, please indicate that as well.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the possible amendments, and requests for more information on the possible amendments should be addressed to: Christopher Moseng, Staff Attorney, Public Utilities Commission, 121 Seventh Place East, Suite 350, Saint Paul, Minnesota, 55101-2147; telephone: 651-201-2223, Fax 651-297-7073; Email christopher.moseng@state.mn.us.

This document can be made available in alternative formats (e.g., large print or audio) by calling 651.296.0406 (voice). Persons with hearing loss or speech disabilities may call us through their preferred Telecommunications Relay Service.

Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge if a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submit comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Working Draft. The Commission's current working draft of the possible amendments is set forth below. The draft can also be viewed on the Commission's Public Rulemaking Docket, located at: <http://www.puc.state.mn.us/PUC/consumers/consumers-rulemaking-projects> or at <http://www.puc.state.mn.us>, select "Search eDockets," enter the year (13) and the docket number (459), select "Search."

7810.0100 DEFINITIONS.

Subp. 11a. Complete Directory.

“Complete directory” means a directory that includes the information compiled under Rule 7810.2900, subpart 1, whether printed, electronically published, or some combination thereof. A complete directory includes, but is not limited to:

- A. printed or electronically published business and residential listings; or
- B. a printed subset of exchanges in a local calling area relevant to customers in a particular geographic area or community of interest, and publication of the remainder of the local calling area either electronically or in separate printed volumes.

Subp. 26a. Local Service Provider.

“Local Service Provider” or “LSP” means a telephone company or telecommunications carrier providing local service in Minnesota pursuant to a certificate of authority granted by the commission. Local service provider includes both local exchange carriers and competitive local exchange carriers.

7810.2900 FORM AND CONTENT OF DIRECTORIES.

Subpart 1. Basic Requirements.

Telephone directories shall be regularly compiled and shall contain each customer’s name, telephone number, and, if practica, address, except they shall not contain public telephone numbers or telephone numbers that are unlisted at the customer’s request. Upon issuance, a local service provider shall distribute to all customers served by that directory a complete directory consistent with the customer option provisions of Rule 7810.2950. Upon commission request, a local service provider shall furnish to the commission a copy of each directory issued, whether printed or electronic.

Subp. 2. Printed Directories.

~~Telephone directories shall be regularly published, listing the name, address when practical, and telephone number of all customers, except public telephones and numbers unlisted at customer's request. The name of the telephone utility, the area included in the directory, the year and month of issue, shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages. The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and directory assistance services, and location of telephone company business offices as may be appropriate to the area served by the directory. Upon issuance, a copy of each directory shall be distributed to all customers served by that directory and a copy of each directory shall be furnished to the commission, upon request.~~

Printed directories shall:

- A. display on the front cover the name of the local service provider, the area included in the directory, and the year and month of issue;
- B. display in the front portion of the directory information pertaining to emergency calls, including information for police and fire departments; and

- C. contain instructions, appropriate to the area served by the directory, concerning placing local and long distance calls, calls to repair and directory assistance services, calls to local, state, and federal government offices, and the location of telephone company business offices;

Subp. 3. Electronically Published Directories.

Electronically published directories shall:

- A. display the name of the local service provider, the area included in the directory, and the date the directory information was last updated;
- B. display information pertaining to emergency calls, including information for police and fire departments, prior to each directory search;
- C. contain instructions, appropriate to the area served by the directory, concerning placing local and long distance calls, calls to repair and directory assistance services, calls to local, state, and federal government offices, and the location of telephone company business offices;
- D. be prominently displayed on, and accessible to customers from, the company's website; and,
- E. prohibit automated remote access, including but not limited to automated remote access made by a search engine indexer or data aggregator.

7810.2950 DIRECTORIES: CUSTOMER OPTION.

Subpart 1. Customer Option.

A Local Service Provider may publish printed or electronic directories, or some combination thereof. Local service providers that do not intend to electronically publish directories shall distribute a printed directory to each customer, except where an offer is made and explicitly refused by the customer. A Local Service Provider that publishes an electronic directory must deliver a printed directory if that is the customer's format preference. Local service providers shall make available a complete directory to each customer., and shall:

- A. conduct an initial survey of existing customers' directory format preference prior to any directory format change;
- B. present each new customer an opportunity to establish a directory format preference;
- C. permit a customer to establish or change their directory format preference at any time;
- D. annually notify customers of the directory format preference on record and how to change it;

Subp. 2. When No Customer Option is Specified.

Local service providers shall determine whether customers who do not state a directory format preference will receive a printed directory, have access to an electronically published directory, or a combination thereof. Local service providers shall notify customers how the complete directory will be provided, including how to access any electronically published portion.

7811.0600 BASIC LOCAL SERVICE REQUIREMENTS.

Subpart 1. Required services.

- F. one ~~white pages~~ complete directory per year ~~for each local calling area~~, which may include more than one local calling area, consistent with the customer option provisions of part 7810.2950 and, upon a customer request and in the customer's preferred format, one copy of any other directory within the local calling area ~~or except where an offer is made and explicitly refused by the customer;~~

Statutory Authority:

MS s 216A.05; 237.10; 237.16

7812.0600 BASIC SERVICE REQUIREMENTS.

Subpart 1. Required services.

- F. one ~~white pages~~ complete directory per year ~~for each local calling area~~, which may include more than one local calling area, consistent with the customer option provisions of part 7810.2950 and, upon a customer request and in the customer's preferred format, one copy of any other directory within the local calling area ~~or except where an offer is made and explicitly refused by the customer;~~

Statutory Authority:

MS s 216A.05; 237.10; 237.16