

**STATE OF MINNESOTA
BEFORE THE PUBLIC UTILITIES COMMISSION**

Katie Sieben	Chair
Joseph K. Sullivan	Vice Chair
Hwikwon Ham	Commissioner
Audrey Partridge	Commissioner
John Tuma	Commissioner

In the Matter of the Joint Application of Forged Fiber 37, LLC (“AT&T NetworkCo”), Qwest Corporation dba CenturyLink QC, CenturyLink of Minn., Inc. and CenturyLink Communications, LLC Regarding Transfer of Control of Lumen’s Minn. Mass Markets Fiber Business

DOCKET NOS. P421, 430, 5096/PA-25-279

**COMMENTS OF THE OFFICE OF
THE ATTORNEY GENERAL—
RESIDENTIAL UTILITIES DIVISION**

INTRODUCTION

The Office of the Attorney General—Residential Utilities Division (OAG) respectfully submits the following initial comments in response to the Public Utilities Commission’s Revised Notice of Comment Period issued on July 22, 2025. For the reasons discussed below, the transaction requires Commission approval and the Commission must review it to determine whether it is in the public interest. The transaction, as proposed, falls short of this standard.

The transaction raises several concerns with Lumen’s ability to continue providing telephone service in Minnesota in compliance with its obligation to serve and the Commission’s service quality rules. First, it would provide no assurance that a substantial number of customers taking a specific type of telephone service, called POTS over Passive Optical Network (PON), would have the ability to receive service three-years after the plant used to serve them changes hands from Lumen to AT&T. Luman should not be permitted to contract its way out of its obligation to serve, particularly since the Minnesota Legislature has recently established an orderly process for determining when customers have adequate alternatives to POTS service. Further, the

transaction could reduce Lumen's already tenuous ability to provide adequate service to its customers by potentially reducing the number of technicians available to repair an aging POTS network or make the service-quality improvements that the Commission ordered. In short, the Commission should not approve a transaction that negatively impacts customers' ability to receive essential telephone service that enables them to contact emergency services, medical providers, and loved ones.

BACKGROUND

Forged Fiber 37, LLC (AT&T) is a whole-owned subsidiary of AT&T Inc.¹ Qwest Corporation dba Century Link QC, CenturyLink of Minnesota Inc., and CenturyLink Communications, LLC is collectively referred to as Lumen.² Lumen currently provides regulated voice service to approximately 210,000 customers lines in Minnesota.³ AT&T proposes to purchase Lumen's residential and small business fiber-based broadband internet connectivity business.⁴

The Minnesota assets proposed to be purchased are located in the Twin Cities metropolitan area but the transaction will likely impact all of Lumen's customers in the state. First, Lumen via CenturyLink serves roughly 21 percent of all landlines in the state, approximately 233,000⁵ customer lines but is losing "substantially all"⁶ of their fiber business. This includes fiber used by

¹ Initial Filing at 1.

² *Id.* For ease of discussion, these comments will refer to Lumen's various subsidiaries as "Lumen," including CenturyLink, and Forged Fiber as AT&T.

³ *Id.* at 5.

⁴ *Id.* at 1.

⁵ Docket No. P421/C-20-432 Order Finding Breach of Service Quality Rules and Establishing Remedies at 3 (Sep. 17, 2024) (20-432 Service Quality Breach Order).

⁶ AT&T to Acquire Lumen's Mass Markets Fiber Business, AT&T at 1 (May 21, 2025) available at <https://about.att.com/story/2025/lumen-mass-markets-fiber-business.html> [Permalink: <https://perma.cc/A549-2HG5>].

landline telephone customers to receive service, also known as plain old telephone service (POTS). There is also a likely reduction in Lumen's workforce of technicians that assist customers, trouble shoot problems, and implement the updates needed to comply with the Commission's September 17, 2024 Order to improve CenturyLink's service quality. The transaction as proposed allows Lumen to use AT&T's newly acquired equipment for three years, including the ability to provide a type of telephone service called POTS over PON. But the transaction contains no assurances past that three year timeframe, creating uncertainty in Lumen's ability to have the physical plant needed to provide service to its telephone customers. Given Lumen's extensive history providing statutory compliant service quality, the OAG is worried that both POTS over PON customers and copper wireline customers will not have access to the essential service provided by Lumen for more than a short period.

Lumen currently provides fiber-based broadband and POTS to Minnesota customers. However, some Lumen customers receiving POTS service are still dependent on Lumen's fiber assets that would be transferred to AT&T.⁷ These customers are called "POTS over Passive Optical Network (PON) customers."⁸ Petitioners acknowledge "Lumen's regulatory obligations to provide POTS service upon request will continue" and "Lumen will take the necessary steps to continue providing services to these customers."⁹

⁷ Joint Application at 8. The Joint Application begins on pdf page 6 of the Initial Filing but is individually paginated; Attachment A at 6 (Lumen response to Department of Commerce Information Request No. 3). Applicants have not provided public versions of several information requests, but have indicated that only certain information is Not Public. The public versions of these attachments are therefore redacted in their entirety. The OAG hopes to file updated attachments once the Applicants provide public versions.

⁸ Joint Application at 8. POTS over PON is different from Voice Over Internet Protocol (VOIP).

⁹ *Id.*

Applicants state that if permitted, “Following the Transaction , Lumen Mass Markets fiber customers in Minnesota will become customers of AT&T Fiber.”¹⁰ The transaction involves [NOT PUBLIC DATA BEGINS] [NOT PUBLIC DATA ENDS] locations in Minnesota.¹¹ Applicant’s state that “All POTS [plain old telephone service] customers will remain Lumen ILEC [incumbent local exchange carrier] customers after closing.”¹²

However, Lumen serves approximately [NOT PUBLIC DATA BEGINS] [NOT PUBLIC DATA ENDS] customers that receive POTS over PON service using the fiber facilities in the transaction that are part of the proposed sale to AT&T.¹³ Although Lumen claims that “[t]he Transaction will have no impact on POTS customers notwithstanding the change in ownership of fiber assets,” it also states that service to POTS over PON customers will only continue to be provided “for at least three years.”¹⁴ Since Lumen will continue to use fiber to provide POTS over PON, the OAG asked how POTS over PON will be provided post transaction. Lumen stated that it is working on an agreement that will enable CenturyLink to use the fiber to “provide the POTS dial tone.”¹⁵ “In effect, AT&T will own the [relevant] portion of the fiber in the ground, but CenturyLink can still deliver a voice service over it to meet any regulatory obligations to legacy voice customers.”¹⁶ Applicants’ response stated, however, “AT&T has committed to making the [fiber] available for at least three years.”¹⁷

¹⁰ Initial Filing at 4.

¹¹ *Id.*

¹² Joint Application at 7.

¹³ *Id.*

¹⁴ *Id.* at 8.

¹⁵ Attachment B (Lumen Response to OAG Information Request 006).

¹⁶ *Id.*

¹⁷ *Id.*

Applicants also claim that “AT&T NetworkCo also will gain access to Lumen’s substantial fiber construction capabilities, and a number of Lumen Employees will receive [employment] offers to [join] in AT&T, but Lumen is confident that this will not affect its ability to fulfill its regulatory obligations in Minnesota.”¹⁸ Lumen’s regulatory obligations in Minnesota are significant. Very recently, the Commission found that CenturyLink breached multiple service quality standards.¹⁹ In April 2020, the Communications Workers of America (CWA) filed a complaint alleging CenturyLink had failed to meet the Commission’s established service quality rules.²⁰ The Commission ordered public hearings and it received 530 complaints from CenturyLink customers between January 2021 to June 2023.²¹ CenturyLink customers reported interrupted phone service, slow repairs, and efforts that fail to fix the issue. “[M]any comments came from elderly customers—many who live alone and have medical issues—or from their children.”²² An alarming report came from the Northeast Minnesota Emergency Communications Board (ECB), which reported prolonged outages that affected the public’s ability to call 911 in an emergency.²³ CenturyLink’s non-compliance with the Commission’s service-quality rules was “self-inflicted” due to workforce shortage, in part due to CenturyLink’s layoff of technicians, according to the Administrative Law Judge (ALJ) overseeing the case.²⁴

In September 2024, the Commission ultimately found that CenturyLink violated Minn. R. 7810.3300, 7810.5000, and 7810.5800.²⁵ The Commission determined that CenturyLink had “not

¹⁸ Joint Application at 7.

¹⁹ Service Quality Breach Order at 1.

²⁰ *Id.* at 1.

²¹ *Id.* at 4.

²² *Id.*

²³ *Id.*

²⁴ Docket No. P-421/C-20-432, Findings of Fact, Conclusions of Law, and Recommendation at 34 (Mar. 13, 2024) (20-432 ALJ Report).

²⁵ 20-432 Service Quality Breach Order at 23-24.

come reasonably close to meeting the minimum standards set forth in the rule,” and had failed “to make all reasonable efforts to prevent interruptions of service and to reestablish service with the shortest possible delay.”²⁶ This was attributed to a decline in available technicians including CenturyLink’s decision to lay off technicians. The Commission noted, “While technician workloads increased through 2021, CenturyLink eliminated field technicians positions.”²⁷ The Commission also shared the Administrative Law Judge’s statement in its order, “CenturyLink’s argument that it cannot find enough qualified technicians is particularly ironic, given that it laid off about half of its technician workforce at almost the same time its performance dropped.”²⁸ Finally, the Commission adopted the Administrative Law Judge’s report concluding that CenturyLink’s noncompliance with Minn. R. 7810.5800 is partially due to lack of employable technicians.²⁹

As a result of CenturyLink’s noncompliance, the Commission ordered it to rehabilitate and fix troubled plant tickets,³⁰ review and rehabilitate the 100-pair cables,³¹ repair certain equipment identified as damaged in the record,³² discontinue CenturyLink’s Five-Year Pay-Back criteria,³³ implement a Four-Hour Repair Window,³⁴ and implement a Plant Pride Program.³⁵

ANALYSIS

The transaction requires the Commission’s approval, but the Commission should not approve the petition. The Commission is authorized to review transactions and purchases involving

²⁶ *Id.*

²⁷ *Id.* at 3.

²⁸ *Id.* at 11 (citing ALJ’s Report, Finding 95).

²⁹ 20-432 ALJ Report at 34; 20-432 Service Quality Breach Order at 23-24 (adopting ALJ Report).

³⁰ 20-432 Service Quality Breach Order at 21.

³¹ *Id.*

³² *Id.* at 21-22.

³³ *Id.* at 22

³⁴ *Id.*

³⁵ *Id.* at 22-23.

telephone companies and entities subject to chapter 237 to ensure they are in the public interest. The Commission may also investigate any matter relating to any telephone service. The transaction is not in the public interest as it could maroon a substantial number of POTS customers after three years, potentially leaving them without telephone service or an adequate alternative in an end-run-around the process recently established in Minn. Stat. § 237.181. Further, Lumen's substantial workforce reductions contemplated by the transaction may negatively impact its telephone service quality and ability to comply with the Commission's recent order to improve service quality. The Commission should not approve the petition.

I. THIS TRANSACTION IS SUBJECT TO COMMISSION APPROVAL.

The Commission has broad authority to regulate telecommunications in Minnesota including this transaction.³⁶ While Applicants question whether the Commission is required to review the transaction, the transaction is subject to the requirements of section 237.23. The transaction is between AT&T, a company subject to the provisions of chapter 237 through its competitive local exchange carrier (CLEC) status, and Lumen, a telephone company doing business in Minnesota. Further the transaction would transfer Lumen property that is necessary to conduct its telephone business—property that facilitates POTS over PON service as outlined below. Separately, the Commission could review the transaction under its broad investigatory tools to ensure service is adequate and can be obtained and for “any matter relating to any telephone service.”³⁷ Last, the Joint Petitioners rely on inapposite past proceedings to argue that the Commission lacks authority.

³⁶ *Qwest Corp. v. Minnesota Public Utilities Comm'n*, 427 F.3d 1061, 1065 (8th Cir. 2005).

³⁷ Minn. Stat. § 237.081, subd. 1; 20-432 Service Quality Breach Order at 2.

A. The Commission Has Authority to Review the Transaction Under section 237.23 .

The Commission has authority to review the transaction because it is a transfer of property between an entity subject to chapter 237 and a Minnesota telephone company. Minnesota Chapter 237.23 provides the Commission with the authority to review property acquisitions. Specifically, the section provides,

It shall be unlawful for any telephone company, corporation, person, partnership, or association subject to the provisions of this chapter to purchase or acquire the property, capital stock, bonds, securities, or other obligations, or the franchises, rights, privileges, and immunities of any telephone company doing business within the state without first obtaining the consent of the commission thereto.

Further the statute goes on to state that “Telephone companies may sell and dispose of any property not used by said telephone companies in the conduct of their business at the time of the sale without the consent of the commission.”³⁸ The negative implication of this statutory provision is that telephone companies *must* obtain the consent of the Commission if selling property that *is* “used by said telephone compan[y] in the conduct of [its] business.”

This proposed transaction is a property acquisition and requires the consent of the Commission to be lawful. Lumen is the parent company of CenturyLink, which is a Minnesota telephone company. AT&T is a competitive local exchange carrier (CLEC) in Minnesota that provides telephone assistance plan services (TAP).³⁹ As described in the Joint Application, AT&T, a CLEC subject to chapter 237, is purchasing the property, obligations, rights, privileges, or immunities of Lumen, a telephone company.

³⁸ Minn. Stat. § 237.23.

³⁹ *In re Telephone Assistance Plan (TAP) Rep.*, Docket No. P999/PR-25-1, Compliance Filing (July 28, 2025) (TAP Plans must be filed by all local service providers subject to their responsibilities under Minn. Rules Chapter 7817 and Minn. Stat. § 237.70).

Further, CenturyLink's fiber network is used "in the conduct of [its] business" to provide POTS over PON service. Lumen has created a figure depicting how the transaction will impact Lumen's current fiber network after closing.⁴⁰ Due to the technical nature of the description, it is helpful to look at Figure 1 titled Delineation of Lumen Fiber Network.⁴¹

**Figure 1
Delineation of Lumen Fiber Network
[NOT PUBLIC DATA BEGINS...**

... NOT PUBLIC DATA ENDS]

In the above Figure 1, AT&T is buying **[NOT PUBLIC DATA BEGINS...**

⁴⁰ Joint Application at 8.

⁴¹ *Id.* at 8-9.

⁴² *Id.* at 8.

⁴³ PON, Newton's Telecom Dictionary, 21st Edition.

⁴⁴ *Id.*

NOT PUBLIC DATA ENDS] would be transferred from Lumen to AT&T as part of the transaction.⁴⁵

Lumen states that “customers who currently receive POTS over PON Service will continue to receive POTS over PON, under the same terms and conditions as they do today.”⁴⁶ The ability of Lumen’s current telecommunications customers to use their POTS over PON network is directly impacted by the proposed transaction because the service provided is linear.⁴⁷ AT&T would be purchasing an intermediary portion of Lumen’s plant that provides access to POTS over PON customers.⁴⁸ Since Lumen will no longer have ownership control, the process of Lumen’s fiber network to provide service to customers is dependent upon AT&T. As discussed further below, Lumen has only negotiated access to these assets for three years. The Commission has authority over the property involved in this proposed transaction.⁴⁹

Last, this case is distinguishable from *Application of Northwestern Bell Telephone Co.*, where the court of appeals found the Commission lacked authority regarding the transfer of telephone directory operations to an affiliate.⁵⁰ Here, Lumen and AT&T are not affiliate companies.⁵¹ AT&T is subject to the provisions of chapter 237 in contrast to West Direct, who was only in the business of publishing directories.⁵² Moreover, parts of Lumen’s fiber assets that

⁴⁵ Joint Application at 8, 14 (“Lumen will take the necessary steps to continue providing services to these customers, including working with AT&T, who will continue to offer Lumen fiber connectivity to provide service to these customers for at least three years.”).

⁴⁶ *Id.* at 15.

⁴⁷ *Id.* at 8-9.

⁴⁸ *Id.* at 9.

⁴⁹ There is a separate proceeding in Docket No. 25-296 where AT&T is requesting to provide locale niche service in Minnesota. *See* Attachment C (AT&T, Lumen response to Communications Workers of America Information Request 005).

⁵⁰ *Application of Northwestern Bell Telephone Co.*, 367 N.W.2d 655, 658 (Minn. Ct. App. 1985).

⁵¹ Attachment D at 2 (Lumen, AT&T response to OAG Information Request 8).

⁵² *Application of Northwestern Bell Telephone Co.*, 367 N.W.2d at 660.

are used to provide POTS over PON are part of the transaction, not simply telephone directories. The physical property in this proposed transaction *is* used in “furnishing of telephone service to the public.”⁵³ The last sentence of section 237.23 applies in this case.⁵⁴ Therefore, the Commission has authority to review the transaction under 237.23.

B. The Commission Could also Review the Transaction Under Its Investigative Authority in Minn. Stat. § 237.181.

In addition to review under section 237.23 as outlined above, the Commission has the ability to review the transaction for approval under a separate statute. Minnesota Statutes section 237.081 provides the Commission with broad powers to investigate telephone service:

Whenever the commission believes that a service is inadequate or cannot be obtained or that an investigation of *any matter* relating to *any telephone service* should for any reason be made, it may on its own motion investigate the service or matter with or without notice, except that the commission shall give notice to a telephone company before it investigates the level of rates charged by the company.⁵⁵

The Commission’s power to investigate is broad. The statute applies to “any matter” and “any telephone service.” As described above, telephone service provided through POTS over PON is directly impacted by the proposed transaction. The transaction also, however, implicates Lumen’s service adequacy for CenturyLink customers post-transaction and is certainly a matter relating to telephone service. As discussed further below, selling its fiber to the home network will impact Lumen’s non-fiber services through reduced workforce and operations. Therefore, the Commission may investigate the proposed transaction proactively and on its own motion.

⁵³ *Id.* at 661 (citing *In re Petition of United Telephone Company*, Docket No. P-430/GR-82-200 (Minn. P.U.C. Apr. 27, 1983)).

⁵⁴ Minn. Stat. § 237.23 (“Telephone companies may sell and dispose of any property not used by said telephone companies in the conduct of their business at the time of the sale without the consent of the commission.”).

⁵⁵ Minn. Stat. § 237.081, subd. 1 (emphasis added).

C. AT&T and Lumen Cite Inapposite Authority to Argue that Commission Approval is Not Necessary.

To support their position that the transaction “is not required under established Commission practice,”⁵⁶ AT&T and Lumen cite to an easily distinguishable Commission decision. They reference *In the Matter of an Application for Approval of a Corporate reorganization by Winstar Wireless, Inc.*⁵⁷ But that matter dealt with different circumstance where a company was going through a “*pro forma* corporate reorganization.” Pro forma means “made or done as a formality and not involving any actual choice or decision.”⁵⁸ This transaction in *Winstar* was a corporate reorganization of a non-regulated entity “as ultimately ownership and control” of the subsidiary was not changed.⁵⁹ As outlined above, this is not the case here. There is an actual transfer of physical property between two unrelated companies. While the transaction may require internal changes on behalf of Lumen and AT&T, it is neither *pro forma* nor a corporate reorganization. The Joint Applicants’ example does not apply and the Commission should not be persuaded by it.

II. THE TRANSACTION AS PROPOSED IS NOT IN THE PUBLIC INTEREST.

The Commission approves applications to transfer the control of a telephone company’s assets when the transaction is “in all respects in the public interest.”⁶⁰ In evaluating whether a transaction is in the public interest, the Commission considers whether the transaction supports universal service, maintains just and reasonable rates, maintains or improves service quality, or

⁵⁶ Initial Filing at 2.

⁵⁷ See Docket No. P5246/PA-00-925, Commission Order Adopting Recommendation of Department of Commerce (Aug. 25, 2000).

⁵⁸ PRO FORMA, Black’s Law Dictionary (12th ed. 2024).

⁵⁹ Docket No. P5246/PA-00-925, Initial Filing at 3, 8-9 (WinStar reorganization chart).

⁶⁰ *In re Bass Lake Rural Tele. Co.*, Minn. R.R. & Warehouse Comm’n, 54 P.U.R. 3d 262 (May 11, 1964); see also *In re AT&T Corp.*, No. P-442, 3123/PA-99-10, 1999 WL 1455081 (Dec. 20, 1999).

ensures consumer protections are maintained “in the transition to a competitive market for local telecommunications service.”⁶¹

The transaction as proposed by Lumen and AT&T lacks any assurances or guarantees to provide service that meets the state’s standards. POTS over PON customers may lose access to this service after three years if the transaction is approved. Further, the fact that these customers may be stuck *without* telephone service in three years is in contrast to recent legislation that provides a process to determine that telephone customers have an adequate alternative before relieving telephone companies of their obligation to serve. Finally, there is no discussion in the application about how Lumen will meet not only its obligations outlined in docket 20-432 but continue to provide appropriate service while losing technicians.

A. The Application Does Not Provide Any Assurances of Continued POTS Service for POTS over PON Customers after Three Years.

As part of the transaction, Lumen is transferring assets required for POTS over PON service to AT&T, who in turn is only agreeing to allow Lumen to use the facilities for three years. As discussed above, AT&T is proposing the acquisition of parts of Lumen’s system that facilitates POTS over PON service to Lumen’s customers.

While the Joint Applicants state that “Lumen’s existing POTS customers in Minnesota will be unaffected by the Transaction,”⁶² that statement only seems to stand for three years. Joint Applicants state that “Lumen will take the necessary steps to continue providing services to these customers, including working with AT&T, who will continue to offer Lumen fiber connectivity to provide services to these customers for at least three years.”⁶³ In the same paragraph, the Joint

⁶¹ Minn. Stat. § 237.011; *In re Qwest Commc’ns Corp.*, No. 421, 3017/PA-99-1192, 2000 WL 1424546 (June 28, 2000).

⁶² Joint Application at 15.

⁶³ *Id.* at 8.

Applicants represents that POTS over PON customers will “continue to receive POTS over PON service directly from Lumen post-closing, under the same terms and conditions as they do today.”⁶⁴ While the same terms and conditions could apply the day after closing, in three years, Lumen may not have the ability to provide telephone service to a substantial number of customers currently receiving POTS over PON.

When asked to clarify how POTS over PON customers will be served post transaction, AT&T responded that it “does not intend to offer regulated telecommunications services to mass market customers, but has agreed to provide Lumen fiber connectivity service for three years to enable Lumen to continue to provide voice service to Lumen’s existing POTS over PON customers.”⁶⁵ Lumen responded that “Lumen and AT&T are working on an agreement whereby Lumen will utilize capacity or fibers from AT&T on the F2 fiber distribution plant enabling CenturyLink to continue to provide the POTS dial tone.”⁶⁶ Again, this service to POTS over PON customers is available “for at least three years.”⁶⁷ One of these agreements is the Fiber Connectivity Service Agreement.⁶⁸ That agreement “will address fiber connectivity operation, maintenance, and repairs to enable Lumen to maintain continuity of service for its voice customers.”⁶⁹ But again, the agreement would only be in place for three years.⁷⁰ This is concerning because it puts an end date on the control and use of the equipment required to provide POTS over

⁶⁴ *Id.*

⁶⁵ Attachment B at 2 (AT&T response to OAG Information Request 006).

⁶⁶ *Id.* at 2 (Lumen response to OAG Information Request 006).

⁶⁷ *Id.*

⁶⁸ Attachment C at 005, part C (AT&T response to Communications Workers of America Information Request 005).

⁶⁹ *Id.*

⁷⁰ Joint Application at 8.

PON service to Lumen's [NOT PUBLIC DATA BEGINS...
DATA ENDS].

NOT PUBLIC

The OAG is concerned that Lumen is creating a scenario where Lumen sells their way out of providing regulated telephone service. When asked, Lumen has not offered any solutions to the three year limitations in its contract, but has repeated itself about complying with the law.⁷¹ When questioned about winding down its POTS service, Lumen only shared that “any measures adopted in three years will comply with legal obligations at that time, including service requirements.”⁷² While Lumen argued that “customers may choose to voluntarily migrate to more modern services,”⁷³ this does not relieve CenturyLink of the obligation to serve. Again the only assurance Applicants have provided is that “In the event that POTS over PON is no longer available to customers purchasing the service at that time, any necessary service discontinuance would comply with applicable legal and regulatory requirements.”⁷⁴ But Lumen's claim of continued compliance with applicable legal and regulatory requirements rings hollow when it has no ability to utilize AT&T's fiber assets after three years.

While AT&T could provide customers with unregulated telecommunications options, that is not a sufficient replacement.⁷⁵ Applicants' claim that “common ownership will give Minnesota

⁷¹ *Id.*; Attachment A (Lumen Response to Department of Commerce Information Request 03, Part (b)); Attachment B at part a (AT&T Response to OAG Information Request 006); Attachment C at part 5 C (AT&T and Lumen Response to Communications Workers of America Information Request 05); Attachment C at part 14 (Lumen Response to Communications Workers of America Information Request 14).

⁷² Attachment A at 7 (Lumen Response to Department of Commerce Information Request 03).

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ The application of Minn. Stat. § 237.181, which allows telephone companies to be relieved of the obligation to serve after a thorough process and additional protections are provided for low-income customers, is discussed further below.

residents access to converged wireline and wireless broadband services from a single provider.”⁷⁶ But unregulated options lack protection for Minnesota’s customers for telephone access to call 911 in an emergency, to communicate with loved ones, to call medical providers, and access many other essential communication purposes. Further, as discussed more below, wireless service is not an adequate alternative under Minnesota’s new, and untested, process for discontinuing telecommunications services.⁷⁷ Although it is possible that these customers could receive VOIP from AT&T, the petition contains no commitments that AT&T will offer VOIP service or provide the price of the service or the costs necessary to upgrade if an upgrade is offered.⁷⁸

If the transaction is approved as proposed, AT&T can stop serving Lumen’s POTS over PON customers by terminating service in three years. If that happens Lumen will still have an obligation to provide service to POTS customers and would be required to build out copper service to these customers. This will require Lumen to invest time, money, and resources to complete. Given Lumen’s history of winding down its POTS service, without specific assurances, the OAG questions whether Lumen would be willing or able to reinstate telephone service to customers.

B. Lumen Must Comply with Minnesota Statute 237.181 Instead of Selling its Obligation to Serve.

As discussed above, the three-year limitation on Lumen’s ability to provide POTS over PON service will likely remove Lumen’s ability to provide telephone service to these customers. Ceasing telephone service through the expiration of a contract between Lumen and AT&T would

⁷⁶ Joint Application at 13.

⁷⁷ [2025 Minn. Laws, 1st Special Sess., ch. 4](#), sec. 17. The session law is included for ease of reference as Attachment E.

⁷⁸ See Minn. Stat. § 237.181, subd. 3 (requiring that a telephone company seeking to be relieved of the obligation to serve must provide one time connection fees and device cost for eligible, low-income customers).

be an end-run around recent legislation detailing a process by which telephone service may be discontinued.

In 2025, the Minnesota Legislature passed Minnesota Statutes section 237.181, which provides a process for how telephone companies can be relieved of the obligation to provide telephone service.⁷⁹ While the process laid out by the statute is untested, it provides several protections against customers losing telephone service where there has not been shown to be an adequate alternative. The statute also provides protections for low-income customers to ensure provision of an essential service.

The statutory scheme allows a telephone company to submit a petition to discontinue telecommunications service in a specific area upon the filing and Commission review and approval of a customer transition plan.⁸⁰ To be relieved of its obligations in an area, the telephone company must show the area has access to one or more “alternative providers.”⁸¹ “Alternative provider” is defined as:

- (1) one or more providers the Federal Communications Commission has identified through Broadband Data Collection, location fabric data, or a successor data program as having a provider offering wireline broadband access service through fiber optic cable to the home capable of carrying VOIP of at least 25 megabits per second download speed and three megabit per second upload speed and offers VOIP services at a rate no more than 120 percent of the current rate for local flat-rated voice service; or
- (2) upon a request by a telephone company or telecommunications carrier, a Federal Communications Commission-approved adequate replacement provider if the requesting telephone company or telecommunications carrier meets the requirements of this section.⁸²

⁷⁹ [2025 Minn. Laws, 1st Special Sess., ch. 4, sec. 17.](#)

⁸⁰ 2025 Minn. Laws, 1st Special Sess., ch. 4, sec. 17, subd. 2.

⁸¹ 2025 Minn. Laws, 1st Special Sess., ch. 4, sec. 17, subd. 2 (a)-(7).

⁸² [2025 1st Spec. Sess. Minn. Laws ch. 4, sec. 17](#), subd. 1(d)

The customer transition plan must (1) clearly identify the area and affected customers (2) clearly identify the alternative providers; (3) provide for technical assistance to affected customers who request it; (4) include draft forms for customers to dispute a finding of an alternative provider; (5) describe the public education meeting plans; (6) provide onetime connection fees and device costs for household eligible for credit; (7) describe plans to transition or maintain critical government lines for which VOIP services not a reasonable alternative.

Upon submission of a customer transition plan, the Commission must provide for notice and comment and must “approve, modify or reject” a plan. The Commission may only approve a plan if it finds the telephone company (1) has met its burden of demonstrating that customers in the affected area have at least one alternative provider; (2) has demonstrated that “it will put sufficient resources into assisting customers to transition to an alternative provider,” including by providing a one-time connection fee and device costs for qualifying low-income households; and (3) has held a public meeting in the affected area and provide written notice of the meeting at least 60 days in advance.⁸³ Even if the Commission approves the petition, customers may submit a dispute whether a location has an alternative provider, including at the required rate, within 90 days of the service discontinuance.⁸⁴

The statute explicitly requires telephone companies to continue to serve an affected customer until the required actions provided in the customer transition plan are completed and any disputes brought before the Commission are resolved.⁸⁵

Last, the statute provides, “Nothing in this section relieves a telephone company or telecommunications carrier from their obligations under current law, rule, and commission order

⁸³ *Id.*, subd. 3.

⁸⁴ *Id.*, subd. 5.

⁸⁵ *Id.*, subd. 4.

for customers for whom the commission has not granted approval of a transition plan.” That is, if a telephone company wants to be relieved of the obligation to serve, it must go through the process laid out in the statute.

The transaction as proposed would potentially allow Lumen to end-run around the obligations of the statute for discontinuing telephone service. As discussed above, the ability of Lumen to provide telephone service to POTS over PON customers is limited to three years. While Lumen could bring a petition for approval of a customer transition plan within that three-year period, the Commission’s hands would be tied by Lumen’s contractual inability to provide service should the Commission deem any locations not to have an alternative provider.

As noted above, AT&T has neither made a commitment to provide VOIP service to customers currently receiving POTS over PON through the acquired fiber, nor has it shown that in three years any VOIP service offered would be at least 25 megabits down and 3 megabits up and be offered “at a rate no more than 120 percent of the current rate for local flat-rated voice service.”⁸⁶ Even if AT&T makes this commitment, it is not clear how customers would have the ability to challenge a determination prior to POTS over PON service being discontinued. As discussed above, even though Lumen could theoretically build out copper to provide service to customers after three years, the OAG questions its willingness or ability to do so. Lumen has a duty to serve its telephone customers. Instead of forcing the Commission’s hand regarding POTS over PON customers within the next three years, Lumen, and all telephone providers, need to follow the process the legislature created if it seeks to discontinue telephone service.

⁸⁶ *Id.*, subd. 1(d).

C. The Application Does Not Include Assurances or Information on How Lumen Will Meet Service Quality Standards with a Downsized Workforce.

The OAG is concerned about Lumen's ability to provide adequate telephone service. By downsizing its business footprint, Lumen's ability to provide adequate service to its POTS customers and meet service-quality obligations and requirements post-transaction are drawn into question. Yet the application includes no assurances or information about how Lumen will comply with service quality standards and Commission orders with the abrupt shift in the strategic direction of the company presented by the transaction. Without further protections and binding commitments to provide adequate service to Lumen's over 200,000 landline customers, the transaction is not in the public interest.

Currently, Lumen employs broadband technicians that serve both fiber and copper customers and are trained to repair and maintain cable facilities "including copper lines."⁸⁷ Lumen has not confirmed what their workforce will look like post-transaction to provide adequate field operations, local network implementation, and enhanced premise technicians to repair or maintain the cable facility.⁸⁸ When asked directly by the Communications Workers of America how many technicians would be employed in Minnesota immediately following the transaction, Lumen answered only that the matter was "subject to ongoing discussion" and confirmed that it had not determined how many technicians will be offered employment with AT&T.⁸⁹

Despite being provided with multiple opportunities, Lumen has not articulated how it will have the workforce to maintain appropriate service levels. Lumen has only confirmed that it does

⁸⁷ Attachment F at part (a) (Lumen Response to Department of Commerce Information Request 04).

⁸⁸ *Id.* at part (a)-(b), (e), (f).

⁸⁹ *Id.* at part (e).

not expect the transaction “to create additional job at Lumen.”⁹⁰ This is particularly troubling in light of the Commission’s recent findings of service-quality violations by CenturyLink. The Commission determined that CenturyLink failed in its duty to provide safe and adequate service under Minn. R. 7810.3300 and Minn. R. 7810.5000.⁹¹ As a result of their noncompliance, the Commission ordered Lumen to take several specific actions: rehabilitate and fix troubled plant tickets,⁹² review and rehabilitate the 100-pair cables,⁹³ repair equipment as outlined by the OAG’s photos,⁹⁴ discontinue CenturyLink’s Five-Year Pay-Back criteria,⁹⁵ implement a Four-Hour Repair Window,⁹⁶ and implement a Plant Pride Program.⁹⁷

In the Administrative Law Judge’s (ALJ) report finding CenturyLink’s service quality deficient, which the Commission adopted with limited modifications, the ALJ described the impacts of a reduced workforce on service quality.⁹⁸ While CenturyLink claimed that workforce shortages made it difficult to comply with the standards, the ALJ found this was a “self-inflicted injury.” “CenturyLink’s argument that it cannot find enough qualified technicians is particularly ironic, given that it laid off about half of its technician workforce at almost the same time its performance dropped.”⁹⁹ Commenting on the Department of Commerce’s suggestion that CenturyLink’s declining performance was likely caused by layoffs, the ALJ found “No evidence suggests CenturyLink’s performance will improve without Commission intervention.”¹⁰⁰

⁹⁰ *Id.* at part (b) (emphasis added).

⁹¹ 20-432 Service Quality Breach Order at 16-17.

⁹² *Id.* at 21.

⁸⁹ *Id.*

⁹⁴ *Id.* at 21-22.

⁹⁵ *Id.* at 22

⁹⁶ *Id.*

⁹⁷ *Id.* at 22-23.

⁹⁸ 20-432 ALJ Report ¶ 95.

⁹⁹ *Id.*

¹⁰⁰ *Id.* ¶ 93.

Further reduction in technician and service staff resulting from the transaction would likely worsen these problems. Reducing personnel and resources for CenturyLink's Minnesota POTS network is not appropriate when Lumen has not yet demonstrated compliance with the Commission's September 2024 Order.

Lumen has provided only surface level commitments about complying with the Commission's order in docket no. 20-432. When asked whether Lumen was currently in "full compliance with the Commission's order," Lumen responded that "Lumen's compliance with this Commission Order in a separate docket is outside the scope of this matter" and referred to a compliance filing in docket no. 20-432.¹⁰¹

CenturyLink is a long way away from complying with the Commission's order. The referenced compliance filing shows some progress on addressing the specific items ordered by the Commission, but is far from demonstrating full-compliance.¹⁰² For example, the Commission ordered CenturyLink to address outside plant and equipment that served customers who experienced four or more deteriorated plant trouble tickets that were identified by the Department.¹⁰³ Of the 3,600 customers in this category identified by CenturyLink, it had completed only 94 of the required repairs—less than 3 percent. As of May 2025, 2,782 customers had not received the relief ordered by the Commission.¹⁰⁴

Further, the requirement that CenturyLink institute a Plant Pride Program appears to be off to a rocky start. When asked about the Commission's ordered terms of the Plant Pride Program found in 20-432, Lumen again stated "The Plant Pride Program is outside the scope of this

¹⁰¹ See Attachment C (Lumen Response to Communications Workers of America Information Request 9).

¹⁰² See Docket No. P-421/C-20-432, Compliance Filing (May 23, 2025).

¹⁰³ *Id.* at 3-4.

¹⁰⁴ *Id.*

matter.”¹⁰⁵ But on September 10, 2025, CWA filed significant concerns about the status of implementation of this program with the Commission.¹⁰⁶

CenturyLink has not provided any detail or adequate assurance that it will be willing or able to provide adequate service or comply with the Commission’s recent order to take specific actions to restore service quality to the standard provided in Minnesota law. The fundamentals of the transaction draw into serious question CenturyLink’s ability to maintain sufficient staff levels to meet its obligations. A reduction in employees, whether they go to AT&T or not, has the potential to leave Lumen with insufficient staff to maintain its service quality throughout Minnesota. Approving such a transaction is not in the public interest.

CONCLUSION

As outlined above, the proposed transaction must be reviewed by the Commission due to its impact on telephone customers—directly by POTS over PON customers and indirectly by its telephone customers that require technicians to maintain their telephone service quality. Commission approval is required by section 237.23. But the Commission could also review the transaction using its investigatory powers in section 237.081. The Commission should therefore review the transaction to determine whether it is in the public interest.

On the current record, the transaction presents numerous risks to telephone customers and the Commission should not approve it. A substantial number of POTS over PON customers could lose service after three years without an adequate alternative. Further, the potential cuts to Lumen’s workforce, provides no clear path to compliance with Minnesota’s service quality rules and the Commission’s recent order mandating specific service quality improvements. Without appropriate

¹⁰⁵ See Attachment C (Lumen Response to Communications Workers of American Information Request 10).

¹⁰⁶ Docket No. P-421/C-20-432, CWA Compliance Report Comments and Declaration of Lisa Markegard (Sept. 10, 2025).

**PUBLIC DOCUMENT -
NOT PUBLIC DATA HAS BEEN EXCISED**

regulation and concrete and enforceable commitments from the Applicants to mitigate these risks,
the transaction is not in the public interest and should be denied.

Dated: September 16, 2025

Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

/s/ Wendy Raymond

WENDY RAYMOND

Assistant Attorney General
Atty. Reg. No. 0402802

KATHERINE HINDERLIE
Assistant Attorney General
Atty. Reg. No. 0397325

445 Minnesota Street, Suite 600
St. Paul, Minnesota 55101-2125
(651) 300-7762 (Voice)
(651) 296-9663 (Fax)
Wendy.Raymond@ag.state.mn.us

ATTORNEYS FOR MINNESOTA
OFFICE OF THE ATTORNEY GENERAL—
RESIDENTIAL UTILITIES DIVISION

Table of Contents
Schedules to the Comment of the Minnesota Attorney General's Office Residential Utilities
Division
MPUC Docket Nos. P421, 430, 5096/PA-25-279

Attachment	Designation	Description
Attachment A	Public/Not Public ¹	Applicants' Response to Department of Commerce Information Request 3
Attachment B	Public	Applicants' Response to OAG Information Request 6
Attachment C	Public/Not Public	Applicants' Response to CWA Information Request 5, Request 9, Request 10, Request 14
Attachment D	Public/Not Public	Applicants' Response to OAG Information Request 8
Attachment E	Public	2025 Minn. Laws, 1 st Special Sess. Ch.4, Sec. 17
Attachment F	Public/Not Public	Applicants' Response to Department of Commerce Information Request 4

¹ Applicants have not provided public versions of several information requests with the Not Public headers removed. To reduce confusion in the record, the public versions are therefore redacted in their entirety. The OAG hopes to file updated attachments once the applicants provide public versions.

OAG Attachment A
Applicants' Response to DOC
Information Request No. 3
is NOT PUBLIC in its entirety

OAG No. 006

**State of Minnesota
Office of the Attorney General
Utility Information Request**

In the Matter of the Joint Application of Forged Fiber 37, LLC (“AT&T NetworkCo”), Qwest Corporation dba CenturyLink QC, CenturyLink of Minnesota, Inc. and CenturyLink Communications, LLC Regarding Transfer of Control of Lumen’s Minnesota Mass Markets Fiber Business **MPUC Docket No.** P421, 430, 5096/PA-25-279

Requested from: AT&T, Lumen

Requested by: OAG RUD

Date of Request:

August 5, 2025

Due Date:

August 15, 2025

Reference: Initial Filing at 8

“POTS over Passive Optical Network (“PON”) customers will remain Lumen customers after closing, and Lumen’s regulatory obligations to provide POTS service upon request will continue. Lumen will take the necessary steps to continue providing services to these customers, including working with AT&T, who will continue to offer Lumen fiber connectivity to provide services to these customers for at least three years.”

Request:

- A. Define “services” as used in the phrase “who will continue to offer Lumen fiber connectivity to provide services to these customers for at least three years.”
- B. State whether “services” as used in the phrase “who will continue to offer Lumen fiber connectivity to provide services to these customers for at least three years,” includes POTS over PONS services
- C. Explain how Lumen will continue to provide service to POTS over PONS customers post transaction.
- D. Identify what steps are “necessary” to continue providing service to POTS over PONS customers.

- E. Explain how Lumen will work with AT&T to provide service to POTS over PONS customers.
- F. Identify which licenses and agreements have been created to facilitate providing services to POTS over PONS customers.

Response:

A.

Response by AT&T:

In the referenced phrase, the “services” offered by Lumen may include POTS over PON. AT&T does not intend to offer regulated telecommunications services to mass market customers, but has agreed to provide Lumen fiber connectivity service for three years to enable Lumen to continue to provide voice service to Lumen’s existing POTS over PON customers.

Response by Lumen:

POTs service.

B.

Response by AT&T:

Please see the answer to part A.

Response by Lumen:

Yes.

C.

Response by AT&T:

N/A.

Response by Lumen:

Lumen and AT&T are working on an agreement whereby Lumen will utilize capacity or fibers from AT&T on the “F2” fiber distribution plant reaching the customer, enabling CenturyLink to continue to provide the POTS dial tone. AT&T has committed to making the F2 available for at least three years. In effect, AT&T will own the F2 portion of the fiber in the ground, but CenturyLink can still deliver a voice service over it to meet any regulatory obligations to legacy voice customers.

D.

Response by AT&T:

N/A.

Response by Lumen:

See response to part C.

E.

Response by AT&T:

N/A.

Response by Lumen:

See response to part C.

F.

Response by AT&T:

N/A.

Response by Lumen:

See response to part C.

Responses to CWA Questions

1. In the Petition, at page 4, it states that “AT&T NetworkCo will be the owner of the assets subject to the transaction and intends to file a separate application for a new certificate of authority to provide local niche services.” Please describe all services to be offered pursuant to this certificate of authority.

Response from AT&T: As discussed in Forged Fiber 37, LLC’s Application for Authority to Provide Telephone Service in the State of Minnesota, filed July 25, 2025 in Docket No. P7164/NA-25-296, Forged Fiber 37, LLC is requesting authority to provide local niche service. Specifically, Forged Fiber 37, LLC proposes to provide high-capacity point-to-point private line services over a 100% fiber optic, facilities-based network utilizing its own facilities. Forged Fiber 37, LLC’s services will be offered to wholesale customers, including carriers and enterprise customers, on an individual case basis arrangement.

Response from Lumen: See AT&T’s response.

2. In the Petition, at page 2, it states that “AT&T NetworkCo will acquire only certain assets used in Lumen’s Mass Markets fiber business in Minnesota, which primarily provides broadband internet access services to retail customers.” Please describe and provide the product name for all services provided using the assets to be acquired in the Transaction that are not used by Lumen to provide any service other than broadband internet access services to retail customers.

Response from AT&T: See Lumen’s response.

Response from Lumen: Based on communications with CWA’s counsel, Lumen understands this question as asking whether the fiber assets being transferred are used by Lumen for anything other than broadband access or POTs over PON service. In addition to POTs over PON service, these assets are used to provide VOIP services. See response to Question 4.

3. In the Petition, at page 2, it states that “improved services will promote residential broadband service competition in Minnesota.” Explain how the alleged improved services will promote residential broadband service competition in parts of Minnesota outside the Twin Cities metro area. Provide any document that you believe supports your answer.

Response by AT&T: The assets that Forged Fiber 37, LLC will be acquiring are located within the Twin Cities metro area, and the initial improved services as a result of the transaction first will be felt there. While AT&T has announced plans to double the size of its fiber network across the country to pass 60 million locations by 2030, AT&T is still

identifying specific areas for expansion, and thus any impact outside the Twin Cities metro area cannot be delineated at this time.

Response by Lumen: See AT&T's response.

4. Please describe and provide the product name for all services that Lumen currently provides using assets that will be transferred if the Transaction is completed.

Response from AT&T: See Lumen's response.

Response from Lumen: Please the chart below which identifies products using the assets to be transferred. As noted previously and in the Petition, Lumen will retain all voice services and VoIP customers.

Fiber Internet

100M/100M
200M/200M
500M/500M
940M/940M
1G/1G
2G/2G
3G/3G
8G/8G
Connected
Voice

VoIP

Voice (aka POTS)

Voice Line
Long
Distance
Calling
Features

5. With respect to retail customers who are currently served by Lumen using fiber facilities to be transferred to AT&T Networks and will continue to be served by Lumen if the Transaction is completed, please answer the following questions:
 - A. Who will those customers contact if they experience trouble with their service?
 - B. Will necessary maintenance and repair of those facilities be provided by employees or contractors?
 - C. Who will retain employees or contractors who provide any necessary maintenance and repair of those facilities

A. *Response by AT&T and Lumen:* After the transaction is closed, telephone service interruptions should be reported to Lumen just as they are today. Problems with AT&T broadband service should be reported to AT&T.

B. *Response by AT&T:*

Forged Fiber 37, LLC is still developing staffing plans, but it plans to offer employment to a number of Lumen employees, which will be new jobs. Forged Fiber 37, LLC is currently reviewing the employment needs for the acquired business, expects to hire additional employees, and may also use contractors for such work. It anticipates many employees will be located in Minnesota. Forged Fiber 37, LLC is continuing to develop staffing plans as the Applicants proceed towards completing the Transaction.

Response by Lumen: See AT&T's response.

C. *Response by AT&T and Lumen:* AT&T and Lumen will enter into a Fiber Connectivity Services Agreement pursuant to which AT&T will provide fiber connectivity to Lumen for at least 3 years. The agreement will address fiber connectivity operation, maintenance, and repairs to enable Lumen to maintain continuity of service for its voice customers. Please also see the response to subpart 5(b), above.

6. With respect to the "construction capabilities" to be transferred by Lumen to AT&T Networks in the Transaction (see Petition at page 7), please answer the following questions:

- A.** What positions and how many employees in each position currently provide these construction capabilities?
- B.** What positions and how many of those construction employees will be offered employment with AT&T?
- C.** Are those construction employees who are currently providing construction capabilities to be transferred as part of the Transaction currently subject to a collective bargaining agreement?
- D.** Will employees who are offered employment with AT&T be employed pursuant to a collective bargaining agreement?
- E.** If a current Lumen employee declines an offer of employment with AT&T, will Lumen continue to employ that employee?

A. *Response by AT&T:* See Lumen's response.

Response by Lumen: "Construction capabilities" include the following positions with associated current Minnesota headcounts provided:

Network Implementation technicians - [NOT PUBLIC INFORMATION BEGINS
NOT PUBLIC INFORMATION ENDS]

Supervisors [NOT PUBLIC INFORMATION BEGINS NOT PUBLIC
INFORMATION ENDS]

Managers [NOT PUBLIC INFORMATION BEGINS NOT PUBLIC
INFORMATION ENDS]

Network Implementation Program Managers [NOT PUBLIC INFORMATION
BEGINS NOT PUBLIC INFORMATION ENDS]. These positions support
construction as well as other responsibilities.

B. *Response by AT&T:* Please see the response to CWA-5(b) above.

Response by Lumen: See AT&T's response.

C. *Response by AT&T and Lumen:*

As explained in the joint response of AT&T and Lumen to Information Request DOC-1, subpart (a), Forged Fiber 37, LLC will offer employment to a number of Lumen employees, which will be new jobs. Employees will not be "transferred" as part of the transaction. Network Technicians employed by Lumen that may be offered employment by AT&T are currently subject to a collective bargaining agreement. The other positions identified in part 6A are not.

D. *Response by AT&T:*

As explained in the joint response of AT&T and Lumen to Information Request DOC-1, subpart (a), Forged Fiber 37, LLC currently is reviewing the employment needs for the acquired business and will offer employment to a number of Lumen employees, which will be new jobs. To the extent that AT&T makes any offers of employment that are accepted by Lumen employees, those employees may be covered by a collective bargaining agreement if there is a labor contract that represents their title in the geography into which they are hired. AT&T is proud to be the largest employer of union-represented employees in the U.S. telecommunications industry.

Response by Lumen: See AT&T's response.

E. *Response by AT&T:* See Lumen's response.

Response by Lumen: If an employee declines an offer of employment from AT&T, there will be no immediate impact to the employee's employment at Lumen.

7. In the Petition, at page 9, it states "The Transaction will expand investment in critical connectivity infrastructure, create new jobs, accelerate the deployment of high-speed fiber internet access, and deliver additional benefits by enabling more consumers and small businesses to leverage this high-speed connectivity." Will these benefits be available in portions of Minnesota outside the Twin Cities metro area? If your answer is "yes," please provide all documents that you contend support your response.

Response by AT&T and Lumen: The referenced part of the application relates to benefits associated with investment in critical connectivity infrastructure, which can include new jobs more broadly, not just with the Applicants, and not just within the area of the transferred assets.

8. In the Petition, at page 13, it states, "[C]ombining the Lumen Mass Markets fiber business and AT&T Mobility under common ownership will give Minnesota residents access to converged wireline and wireless broadband services from a single provider." Will Minnesotans residing outside of the Twin Cities metro area receive this benefit as a result of the Transaction?

Response by AT&T: The transferred assets are located within the Twin Cities metropolitan area. AT&T plans to expand its fiber network across the country to pass approximately 60 million locations by 2030. The specific areas for expansion are still being identified, though, consistent with Minnesota's broadband goals expressed in Minn. Stat. § 237.011, AT&T will be focusing on those areas where broadband can be deployed in an economically efficient manner.

Response by Lumen: See AT&T's response.

9. Is Lumen currently in full compliance with the Commission's order in Docket No. P-421/C-20-432? If your answer is "yes," please provide all documents that you contend support your response. If your answer is "no," please describe all aspects in which Lumen is not in full compliance, describe Lumen's plans for coming into compliance, and provide all documents that you contend support your response.

Response by AT&T: See Lumen's response.

Response by Lumen: Lumen's compliance with this Commission Order in a separate docket is outside the scope of this matter. That said, Lumen refers to its most recent compliance filing in docket 20-432, dated May 23, 2025.

- 10.** Provide copies of any document that describes the terms of the Plant Pride Program adopted pursuant to the Commission's order in Docket No. P-421/C-20-432 and state the date when such document was provided to the CWA or Lumen employees.

Response by AT&T: See Lumen's response.

Response by Lumen: The Plant Pride Program is outside the scope of this matter. That said, the requested information was provided to the CWA in Supplemental Response to DOC IR 111 in Docket No. P-421/C-20-432, served February 25, 2025 on Stan Gosch of the CWA. A copy of the public version of that response is provided with these responses. We will provide a copy of the confidential response upon execution of a non-disclosure agreement.

- 11.** What effect will approval of the Transaction have on Lumen's participation in the Plant Pride Program?

Response by AT&T: See Lumen's response.

Response by Lumen: None.

- 12.** Describe how Lumen intends to stay in compliance with the Commission's order in Docket No. P-421 after the closing of the Transaction? Provide any documents that support your response.

Response by AT&T: See Lumen's response.

Response by Lumen: See Lumen's response to CWA IR No. 9. Lumen does not anticipate changes to its compliance efforts as a result of this transaction.

- 13.** Will Lumen have the resources to maintain its remaining copper network without the income generated by its fiber business? Provide any documents that support your response.

Response by AT&T: See Lumen's response.

Response by Lumen: Yes.

- 14.** Does Lumen intend to file for discontinuance of its legacy service, either in its entirety or in any portion or portions of the state, after closing of this Transaction? If so, please provide all information related to Lumen's copper retirement plans in Minnesota.

Response by AT&T: See Lumen's response.

Response by Lumen: Lumen's plans with respect to legacy service and potential copper retirements are outside the scope of this matter. That said, Lumen's plans regarding these matters are not affected by this transaction. As noted in the Petition, Lumen will maintain its voice customers and will remain subject to the regulatory obligations associated with legacy voice services.

- 15.** Does Lumen plan to deploy any additional fiber in Minnesota after the closing of this Transaction? Provide all documents and information concerning Lumen's plans to deploy additional copper fiber.

Response by AT&T: See Lumen's response.

Response by Lumen: Lumen assumes that this question is focused on the potential deployment of additional fiber, not copper. Lumen's future plans with respect to additional fiber deployment is outside the scope of this matter and is not a factor that is relevant to the Commission's consideration of this matter.

OAG Attachment D
Applicants' Response to OAG
Information Request No. 008
is NOT PUBLIC and designated
TRADE SECRET in its entirety

CHAPTER 4--H.F.No. 4

An act relating to commerce; establishing a budget for the Department of Commerce; appropriating and transferring money for other commerce and Office of Cannabis Management activities; adding, modifying, and eliminating various provisions governing financial institutions, insurance, insurance holding companies, Medicare supplement insurance, reinsurance, and commerce and consumer protection policy; modifying certain fees; authorizing administrative rulemaking; classifying certain data; requiring reports; making technical and conforming changes; amending Minnesota Statutes 2024, sections 41A.09, subdivision 2a; 45.027, subdivisions 1, 2, by adding a subdivision; 45.24; 46A.04; 47.20, subdivisions 2, 4a, 8; 47.77; 53B.61; 55.07, by adding a subdivision; 58B.02, subdivision 8a; 60A.052, subdivision 1; 60A.201, subdivision 2, by adding a subdivision; 60D.09, by adding a subdivision; 60D.15, subdivisions 4, 7, by adding subdivisions; 60D.16, subdivision 2; 60D.17, subdivision 1; 60D.18, subdivision 3; 60D.19, subdivision 4, by adding subdivisions; 60D.20, subdivision 1; 60D.217; 60D.22, subdivisions 1, 3, 6, by adding a subdivision; 60D.24, subdivision 2; 60D.25; 62A.31, subdivisions 1b, 1f, 1h, 1p, 1r, 1u, 4; 62A.44, subdivision 2; 62A.65, subdivisions 1, 2, by adding a subdivision; 62D.12, subdivisions 2, 2a; 62D.121, subdivision 1; 62D.221, by adding a subdivision; 62E.21, by adding subdivisions; 62E.23, subdivisions 2, 3, by adding subdivisions; 62E.24, subdivisions 1, 2; 62E.25, subdivision 1; 62J.26, subdivision 3, by adding a subdivision; 62Q.73, subdivision 4; 62V.06, subdivision 5; 65B.02, subdivision 7; 65B.05; 65B.06, subdivisions 1, 2, 3; 65B.10, subdivision 2; 72A.20, by adding a subdivision; 80A.58; 80A.65, subdivision 2, by adding a subdivision; 80A.66; 80E.12; 82.63, subdivision 2; 82B.19, subdivision 5; 168.27, by adding a subdivision; 216B.40; 216B.62, by adding a subdivision; 239.761, subdivisions 3, 4, 5, 6; 239.791, subdivision 11; 296A.01, subdivisions 20, 23, 24; 297I.20, by adding a subdivision; 297I.40, by adding a subdivision; 325E.3892, subdivisions 1, 2; 325F.072, subdivision 3; 325G.24, subdivision 2; 334.01, subdivision 2; 550.136, subdivision 3; 551.06, subdivision 3; 571.922; Laws 2023, chapter 63, article 9, section 5; proposing coding for new law in Minnesota Statutes, chapters 45; 60D; 216B; 237; 239; 325F; repealing Laws 2023, chapter 57, article 2, sections 13, as amended; 66, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

COMMERCE FINANCE

Section 1. APPROPRIATIONS

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2026" and "2027" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2026, or June 30, 2027, respectively. "The first year" is fiscal year 2026. "The second year" is fiscal year 2027. "The biennium" is fiscal years 2026 and 2027. If an appropriation in this act is enacted more than once in the 2025 legislative session or a special session, the appropriation must be given effect only once.

Sec. 16. Minnesota Statutes 2024, section 216B.62, is amended by adding a subdivision to read:

Subd. 9. **Administrative costs for discontinuation of telecommunication services.** The commission may assess fees for the actual commission costs to administer the discontinuation of telecommunication services under section 237.181. The money received from the assessment must be deposited into an account in the special revenue fund and all money deposited is appropriated to the commission for the purposes specified under this subdivision. The commission may initially assess for estimated costs under section 237.181, then must adjust subsequent assessments for actual costs incurred under section 237.181. An assessment made under this subdivision is not subject to the cap on assessments provided in subdivision 3 or any other law.

EFFECTIVE DATE. This section is effective July 1, 2026.

Sec. 17. **[237.181] CUSTOMER TRANSITION PLANS FOR AREAS WITH VOIP ALTERNATIVES.**

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Commission" means the Public Utilities Commission.

(c) "Voice over Internet Protocol" or "VOIP" has the meaning given in section 237.025.

(d) "Alternative providers" means: (1) one or more providers the Federal Communications Commission has identified through Broadband Data Collection, location fabric data, or a successor data program as having a provider offering wireline broadband access service through fiber optic cable to the home capable of carrying VOIP of at least 25 megabits per second download speed and three megabit per second upload speed and offers VOIP services at a rate no more than 120 percent of the current rate for local flat-rated voice service; or (2) upon a request by a telephone company or telecommunications carrier, a Federal Communications Commission-approved adequate replacement provider if the requesting telephone company or telecommunications carrier meets the requirements of this section.

Subd. 2. **Customer transition plans.** (a) A telephone company or telecommunications carrier may submit a petition to the commission for approval of a customer transition plan to discontinue telecommunications service in an area where the telephone company or telecommunications carrier has shown that customers in the affected area have access to one or more providers for the telecommunications service provided by the telephone company or telecommunications carrier.

(b) The proposed customer transition plan must:

(1) clearly identify the area and affected customers;

(2) clearly identify the alternative providers available to customers in the affected area;

(3) provide for technical assistance to affected customers who request assistance with the transition to an alternate provider;

(4) include draft consumer dispute forms for commission approval;

(5) describe the public education meeting plans for affected customers when required by the commission;

(6) provide onetime connection fees and device costs for households eligible for credit as defined in section 237.70, subdivision 4a; and

(7) describe plans to transition or maintain critical government lines for which VOIP service is not a reasonable alternative.

Subd. 3. **Commission process.** The commission must provide for notice and comment on the petition for a customer transition plan. The commission must approve, modify, or reject a petition filed under this section. The commission may approve a plan under this section only if the commission finds that the telephone company or telecommunications carrier:

(1) has met the telephone company's or telecommunications carrier's burden of demonstrating to the commission that customers in the affected area have at least one alternative provider available to those customers;

(2) has demonstrated that it will put sufficient resources into assisting customers to transition to an alternate provider, including providing onetime connection fees and device costs for households eligible for credit as defined in section 237.70, subdivision 4a; and

(3) has held a public meeting in the affected area and provided written notice of the meeting to customers 60 days in advance.

Subd. 4. **Obligations upon approval.** (a) Upon approval of a petition for a customer transition plan under this section, the telephone company or telecommunications carrier that proposed the petition must continue to serve an affected customer until (1) the telephone company or telecommunications carrier completes the required actions in subdivision 2, and (2) any disputes brought before the commission by the customer are resolved.

(b) Nothing in this section relieves a telephone company or telecommunications carrier from their obligations under current law, rule, and commission order for customers for whom the commission has not granted approval of a transition plan pursuant to subdivision 3.

Subd. 5. **Dispute resolution.** The commission must resolve any dispute over whether a location has service available at the rates described in subdivision 1 on an expedited basis pursuant to section 237.61, prior to the date service is discontinued. A dispute must be submitted at least 90 days prior to the date of service discontinuance and resolved 15 days prior to the date of service discontinuation.

Subd. 6. **Reinstatement of service.** (a) The commission may reinstate existing obligations on the telephone company or telecommunications carrier to provide services to customers affected by this section:

(1) on the commission's own initiative; or

(2) in response to a request for agency action.

(b) Before acting under this subdivision, the commission must:

(1) provide notice and conduct a hearing; and

(2) determine that reinstating any existing obligation to serve is necessary because customers lack access to one or more providers.

(c) The telephone company or telecommunications carrier that would be affected by modification or reinstatement of service bears the burden of proof in a proceeding under this subdivision.

Subd. 7. **Local exchange carrier.** Nothing in this section relieves an incumbent local exchange carrier, as defined under United States Code, title 47, section 251(h)(1), of the incumbent local exchange carrier's

existing interconnection obligations or terminates existing interconnection agreements in a manner other than according to the terms of the existing interconnection agreements or other existing law.

Subd. 8. **No relinquishment of ETC status.** A petition approved under this section is not a relinquishment of any eligible telecommunications carrier designation that has been granted to the petitioning telephone company or telecommunications carrier under federal and state law.

EFFECTIVE DATE. This section is effective July 1, 2026.

Sec. 18. Minnesota Statutes 2024, section 239.761, subdivision 3, is amended to read:

Subd. 3. **Gasoline.** (a) Gasoline that is not blended with biofuel must not be contaminated with water or other impurities and must comply with ASTM specification ~~D4814-11b~~ D4814-24a. Gasoline that is not blended with biofuel must also comply with the volatility requirements in Code of Federal Regulations, title 40, part 1090.

(b) After gasoline is sold, transferred, or otherwise removed from a refinery or terminal, a person responsible for the product:

- (1) may blend the gasoline with agriculturally derived ethanol as provided in subdivision 4;
- (2) shall not blend the gasoline with any oxygenate other than biofuel;
- (3) shall not blend the gasoline with other petroleum products that are not gasoline or biofuel;
- (4) shall not blend the gasoline with products commonly and commercially known as casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural gasoline; and
- (5) may blend the gasoline with a detergent additive, an antiknock additive, or an additive designed to replace tetra-ethyl lead, that is registered by the EPA.

Sec. 19. Minnesota Statutes 2024, section 239.761, subdivision 4, is amended to read:

Subd. 4. **Gasoline blended with ethanol; general.** (a) Gasoline may be blended with agriculturally derived, denatured ethanol that complies with the requirements of subdivision 5.

(b) A gasoline-ethanol blend must:

- (1) comply with the volatility requirements in Code of Federal Regulations, title 40, part 1090;
- (2) comply with ASTM specification ~~D4814-11b~~ D4814-24a, or the gasoline base stock from which a gasoline-ethanol blend was produced must comply with ASTM specification ~~D4814-11b~~ D4814-24a; and
- (3) not be blended with casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural gasoline after the gasoline-ethanol blend has been sold, transferred, or otherwise removed from a refinery or terminal.

Sec. 20. Minnesota Statutes 2024, section 239.761, subdivision 5, is amended to read:

Subd. 5. **Denatured ethanol.** Denatured ethanol that is to be blended with gasoline must be agriculturally derived and must comply with ASTM specification ~~D4806-11a~~ D4806-21a. This includes the requirement that ethanol may be denatured only as specified in Code of Federal Regulations, title 27, parts 20 and 21.

OAG Attachment F
Applicants' Response to DOC
Information Request No. 4
is NOT PUBLIC and designated
TRADE SECRET in its entirety