

STATE OF MINNESOTA

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Nancy Lange
Dan Lipschultz
Matt Schuerger
Katie Sieben
John Tuma

Chair
Vice Chair
Commissioner
Commissioner
Commissioner

In the Matter of Tekstar Communications Notice re
Adoption of Interconnection Agreements Pursuant to
Section 252(i) of the Act

P5542, P405/IC-17-507
P5542, P407/IC-17-508

**COMMENTS OF
CITIZENS TELECOMMUNICATIONS COMPANY OF MINNESOTA, LLC
and
FRONTIER COMMUNICATIONS OF MINNESOTA, INC.**

On June 27, 2017, Tekstar Communications, Inc. (“Tekstar”) made a filing with the Commission stating that it intended to adopt two existing interconnection agreements, pursuant to Section 252 (i) of the Communications Act. Specifically, Tekstar stated it would adopt the Frontier Communications of Minnesota, Inc. / Teleport Communications America interconnection agreement that the Commission approved in Docket P-5496,405/IC-14-628 on August 18, 2014 and the Citizens Telecommunications Co of MN, LLC / Woodstock Telephone Company interconnection agreement that the Commission approved in Docket P-575,407/IC-11-313 on May 4, 2011.

Subsequently, on June 30, 2017, the Department of Commerce (“Department”) filed comments with the Commission supporting the proposed adoptions by Tekstar.

Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota (collectively, “Frontier”) oppose those requests for adoption, and offers comments below.

Discussion

While the Department in its comments references this docket as a joint application for approval of the adoption of the interconnection agreements, Frontier has had no conversation about this matter with Tekstar and did not receive any prior notice of Tekstar's desire to enter an interconnection agreement with Frontier. The June 27 filing with the Commission was Frontier's initial notice of Tekstar's intentions in this matter. The Tekstar filing included a Frontier "Information Request Form"; this form is intended to be a vehicle for a company seeking interconnection with Frontier to share basic information with Frontier. However, Tekstar did not provide this form to Frontier. While Tekstar's inclusion of this document in its filing may give the impression that Tekstar discussed its desires to adopt the interconnection agreements with Frontier and that the companies had come to some understanding over the matter, Tekstar did not discuss its desire to adopt the interconnection agreements with Frontier prior to the June 30 filing.

In addition to being caught unaware by Tekstar's filing, Frontier also objects to the proposed adoptions due to the age of the interconnection agreements that Tekstar seeks to adopt. The Woodstock Telephone agreement is over six years old and the Teleport agreement is three years old. Both agreements were for one year terms, and that initial term is long past. Frontier does not believe that the adoption of such old agreements in today's environment is appropriate.

Section 51.809(c) of the Federal Communication Commission's rules provide guidance for the adoption of existing agreements:

Individual agreements shall remain available for use by telecommunications carriers pursuant to this section *for a reasonable period of time* after the approved agreement is available for public inspection under section 252(h) of the Act. (*emphasis added*)

In explanation of this rule, the FCC stated:

We agree with those commenters who suggest that agreements remain available for use by requesting carriers for a reasonable period of time. Such a rule addresses incumbent LEC concerns over technical incompatibility, while at the same time providing requesting carriers with a reasonable time during which they may benefit from previously negotiated agreements. In addition, this approach makes economic sense, since the pricing and network configuration choices are likely to change over time, as several commenters have observed.¹

Frontier believes that the three to six years that have passed since the original agreements were

¹ First Report and Order in CC Docket No. 96-98, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, released August 8, 1996 ("FCC Local Competition Order"), ¶ 1319.

adopted exceeds a “reasonable period of time”, rendering those agreements ineligible for adoption today.

A more appropriate approach would be for Frontier and Tekstar to negotiate a current interconnection agreement between the companies. As Tekstar noted in an October 25, 2016 filing with the Commission, it “has entered a resale agreement with a facilities-based CLEC with a statewide service area. This arrangement allows Tekstar to choose whether to build or lease when serving specific areas, and by reselling a CLEC’s services obviates the need for Tekstar to obtain an ICA with the ILEC serving that area.”² Apparently, Tekstar has been able to conduct its business under this resale arrangement for the past eight months. Thus, negotiating a current interconnection agreement with Frontier should not impose any unusual impediment to Tekstar.

Conclusion

Frontier urges the Commission to decline to approve the proposed adoptions by Tekstar.

Dated July 7, 2017

Respectfully submitted,

CITIZENS TELECOMMUNICATIONS COMPANY OF MINNESOTA, LLC

and

FRONTIER COMMUNICATIONS OF MINNESOTA, INC.

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² Tekstar October 25, 2016 filing in Docket P-5542/SA-16-81