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May 16, 2016

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: Comments of the Minnesota Department of Commerce
Docket No. P6656/RL-16-414

Dear Mr. Wolf:

Attached are the comments of the Minnesota Department of Commerce in the following matter:

The Petition of Nexus Communications, Inc. dba Nexus-TSI to Relinquish its Eligible Telecommunications Carrier (ETC) Status in Minnesota.

The petition was filed on May 6, 2016:

Gregory R. Merz
Gray, Plant, Mooty
500 IDS Center
80 South 8th St.
Minneapolis, MN 55402

The Department recommends approval of the petition and is available to answer any questions the Commission may have.

Sincerely,

/s/ DIANE DIETZ
Rate Analyst

DD/lt
Attachment

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE
MINNESOTA DEPARTMENT OF COMMERCE

DOCKET No. P6656/RL-16-414

I. BACKGROUND

A. PROCEDURAL BACKGROUND

On May 6, 2016, Nexus Communications, Inc. dba Nexus-TSI (Nexus) submitted a petition requesting that the Minnesota Public Utilities Commission (Commission) approve its request to relinquish its Eligible Telecommunications Carrier (ETC) designation in Minnesota.

B. HISTORICAL BACKGROUND

On November 26, 2007, the Commission approved the application of Nexus for operational certification to provide long distance service on a statewide basis and conditional certification to provide facilities based and resold local and long distance services in the exchanges of Qwest Corporation in Docket No. P6656/NA-07-1338. The conditions attached to the local service certification were the filing and receiving Commission approval of an interconnection agreement and a 911 plan.

On July 8, 2008, the Commission approved the interconnection agreement between Nexus and Qwest Corporation in Docket No. P6656, 421/IC-08-713.

On August 12, 2008, the Commission approved Nexus' 911 plan in Docket No. P6656/EP-08-789.

On May 13, 2013, the Commission issued its Order granting Nexus' petition for designation as an ETC in Docket No. P6656/M-10-264.

On July 13, 2015, the Commission issued its Order granting Nexus' petition to relinquish its certificate of authority in Docket No. P6656/RL-15-554.

II. STATEMENT OF ISSUES

1. Whether Nexus Communications, Inc. dba Nexus-TSI has fulfilled the requirements to relinquish its ETC status in Minnesota.

III. DISCUSSION OF LAW

47 U.S.C. §214(e)(4) addresses relinquishments of ETC status and states:

Relinquishment of universal service: A State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall establish a time, not to exceed one year after the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

Minnesota Rule pt. 7812.1400, subp. 14 mirrors the federal requirements and states as follows:

Relinquishment of universal service: local service provider may relinquish its ETC designation and accompanying universal service obligations as provided in items A to C.

- A. A local service provider seeking to relinquish its ETC designation shall file a petition with the commission, specifying the service area for which it seeks to relinquish its designation, its proposed timetable for relinquishing its designation, and the identity of the other ETCs serving the service area. The petition to relinquish must be served on the department, the OAG-RUD, and all other local service providers serving the area for which the petitioner seeks to relinquish its ETC designation.
- B. The commission shall permit a local service provider to relinquish its ETC designation if at least one other ETC serves the area for which the relinquishment is sought.
- C. The petitioning ETC shall continue to meet its ETC obligations for the entire area for which it seeks to relinquish those obligations until the date specified in the commission's order approving the relinquishment. The commission shall specify the date upon which the local service provider may discontinue service based on the ability of other ETCs to serve the relinquishing provider's customers as provided in section 102(a) of the act.

IV. ANALYSIS

Nexus has filed a petition with the Commission, as required, specifying the service area for which it seeks to relinquish its ETC designation, and identifying the ILEC ETC that provides the nine supported services to customers throughout the service area.

Nexus states that it currently has no Lifeline customers, so this petition presents no issues regarding the transition of Nexus' customer base to a new service provider. Nexus points out that there are numerous carriers that have been designated as ETCs that offer Lifeline service in the service area of Qwest Corporation (*i.e.*, the service area of Nexus prior to relinquishing its certificate of authority in Docket No. P6656/RL-15-554).

In its petition, Nexus further states that, in partial fulfillment of the conditions established by the Commission in designating Nexus as an ETC in Docket No. P6656/M-10-264, Nexus filed an informational tariff describing Nexus' Lifeline service. Current with the relinquishment of its ETC designation, Nexus seeks to cancel its informational tariff.

Both federal and state law state “the commission shall permit a local service provider to relinquish its ETC designation if at least one other ETC serves the area for which the relinquishment is sought.”¹ The service area for which Nexus seeks to relinquish its ETC designation is served by the incumbent local exchange carrier. The Department therefore recommends that the Commission permit Nexus to relinquish its ETC status and to cancel its informational tariff.

V. COMMISSION ALTERNATIVES

1. Approve the petition of Nexus Communications, Inc. dba Nexus-TSI to relinquish its ETC status and to cancel its informational tariff.
2. Deny the petition of Nexus Communications, Inc. d/b/a Nexus-TSI.

VI. RECOMMENDATION

The Department recommends Alternative Number 1, to approve the petition of Nexus Communications, Inc. dba Nexus-TSI to relinquish its ETC status and to cancel its informational tariff.

/lt

¹ USCS §214(e)(4); Minn. Rules pt. 7812.1400, subp. 14.

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce
Comments**

Docket No. P6656/RL-16-414

Dated this 16th day of May 2016

/s/Sharon Ferguson

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