

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

Beverly Jones Heydinger	Chair
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
John Tuma	Commissioner
Betsy Wergin	Commissioner

In the Matter of a Rulemaking to Consider
Possible Amendments to Minnesota Rules
parts 7810.4100 through 7810.6100

Docket No.: P-999/R-14-413

Comments of Telecommunications Consumer and Small Business Coalition

Introduction

The Telecommunications Consumer and Small Business Coalition (the Coalition) respectfully submits these reply comments in response to the December 24, 2014 notice issued by the Minnesota Public Utilities Commission (the Commission) in the above-captioned rulemaking docket.¹ Petitioner CenturyLink requests to amend or repeal certain service quality rules. The Coalition agrees with some of the recommendations by CenturyLink and other parties to update or repeal outdated rules. However, the Coalition strenuously objects to notion, put forward by CenturyLink and other parties, that the telecommunications industry has evolved to a place of marketplace equilibrium where there is really no longer a need for any service quality rules – let alone strong ones. More specifically, the Coalition adamantly opposes recommendations by CenturyLink and others to erode or eliminate certain core service quality

¹Minnesota Public Utilities Commission, In the Matter of a Rulemaking to Consider Possible Amendments to Minnesota Rules, parts 7810.4100 through 7810.6100, Docket No. P-999/R-14-413, *Notice of Reply Comment Period* (issued December 24, 2014).

standards that remain as necessary today as they have traditionally been – and, it could be argued, never more important.

The Coalition consists of: AARP; the Institute for Local Self-Reliance; the Legal Services Advocacy Project, the Minnesota Communication Action Partnership; and the Twin Cities Metro Independent Business Alliance.² These reply comments respond specifically to initial comments submitted in this docket by CenturyLink; the Minnesota Telecom Alliance (MTA); and Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc. (CTC/Frontier).

Overview

The Coalition agrees with CenturyLink, MTA, and CTC/Frontier that some of the current rules are ripe for amendment. However, the Coalition strongly disagrees with other proposals by the petitioner and other proponents that would weaken or eliminate altogether core service quality rules that still -- it must be repeatedly reminded -- impact a sizable number of Minnesotans who continue to rely – exclusively or primarily, as a captive or by choice – on landline service provided by CenturyLink and other carriers.

To justify its requests and seek to meet its burden of proof, CenturyLink argues in essence that compliance with the existing service quality rules places it at a competitive disadvantage in the marketplace because other competitors have less protective rules – and lower standards – to which they must adhere. Its other arguments are intended to give the Commission the impression – and lead the Commission to conclude – that: (1) landlines are anachronisms and the vast majority of customers are primarily concerned about wireless and

² See Appendix A for a description of each member of the Telecommunications Consumer and Small Business Coalition.

broadband service; and (2) there will no impact on the affected customers. Neither of these impressions would be accurate.

From a broader perspective, CenturyLink's petition does two things. First, it asks the Commission to choose winners and losers between two customer segments by pitting those with economic advantages and purchasing power who can afford and who demand the latest technology against the large number of customers who remain captive to, are otherwise dependent on, or are still desirous of landline service. Second, it seeks to persuade the Commission to use its formidable regulatory power to expand CenturyLink's current market dominance and the inherent market power and marketplace advantages of incumbency that CenturyLink enjoys.

It is the Coalition's position that any benefits conferred on CenturyLink should not come at the expense of the existing landline customers, who number more than 2,000,000 and contain our most vulnerable Minnesotans.

General Comments and Responses to Initial Commenters

I. Significant Numbers of Minnesotans Continue to Rely on Landlines.

Markedly absent from the comments of CenturyLink, MTA, and CTC/Frontier is the proper emphasis on the actual numbers of households and human beings who continue to rely on landlines, especially in cases of emergency. This omission masks the true and adverse impacts of any potential reduction in core service quality on certain segments of customers.

Clearly, there is wireless migration – though according to the most recent *National Health Interview Survey* from the Centers for Disease Control and Prevention (CDC), “there is evidence that the rate of [migration] may be slowing.”³

The issue is not whether there is a trend toward wireless migration; rather it is how many customers still want and need landlines and for whom service quality standards are still relevant. CenturyLink and the others emphasize the percentage of migration away from landlines. But without considering the sheer number of people still requiring or desiring landlines, just emphasizing percentages provides an unbalanced and insufficient – and thus misleading – picture of the current environment. That line of argument incorrectly implies and could lead to the mistaken conclusion that robust service quality rules are no longer necessary.

A. *Incumbents Still Serve More Than 1.3 Million Lines.*

CenturyLink suggests that its proposals are justified because it has seen a 67% percent decrease in access lines.⁴ But as CTC/Frontier reports, “[t]raditional ILECs [still] serve approximately 1.3 million lines.”⁵ These include the more than 737,000 landline households which CenturyLink acknowledges it still serves.⁶ Therefore, an estimated 2,000,000 Minnesotans still rely on and use landlines.⁷

³ Stephen J. Blumberg and Julian V. Luke, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, July–December 2013* (released July 2014), at 2. The Coalition would point out that these data are the same data CTC/Frontier relies on to justify its proposals.

⁴ CenturyLink, In the Matter of a Rulemaking to Consider Possible Amendments to Minnesota Rules, parts 7810.4100 through 7810.6100, Docket No. P999/R-14-413, *Comments of CenturyLink* (filed December 4, 2014), at 8.

⁵ Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc., In the Matter of a Rulemaking to Consider Possible Amendments to Minnesota Rules, parts 7810.4100 through 7810.6100, Docket No. P999/R-14-413, *Comments of Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc.* (filed December 4, 2014), at 4.

⁶ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 8 (stating that “[s]ince 2001, CenturyLink’s access lines have decreased from 2,251,637 to 737,283...”).

⁷ The number of Minnesotans affected is estimated using data from the United States Census Bureau. According to the Bureau, between 2009 and 2013, there were 2.47 persons per household in Minnesota. United States Census Bureau, *State & County*

These are customers who either have no choice but to rely on landlines or in fact do have a choice but choose to continue to rely on landlines. Thus, in the Coalition's view, a household decision to retain landline service indicates not, as the CenturyLink and others suggest, that cell phones are a fungible substitute for landlines. Rather, the Coalition submits that customers continuing their landline service see cellphones as a complement, not a substitute.

B. *Nearly 75% of Minnesota Consumers Have Not Cut the Cord.*

CenturyLink notes that “[o]ver 37% of Minnesota consumers have chosen to eliminate landlines entirely,” implying that existing service quality rules are no longer needed.⁸ But CenturyLink fails to also acknowledge that, conversely, 73% of consumers have chosen not to eliminate landlines entirely.

C. *Elderly Minnesotans Rely on Landlines to a Disproportionately High Degree.*

CTC/Frontier cites Centers for Disease Control and Prevention data to show declining percentages of those relying solely on landline service.⁹ The clear implication is that there would be little impact on customers if the rules are weakened.

But those same data also show that 86% of older Americans, many of whom are also disabled, still depend on landline telephony.¹⁰ Centers for Disease Control and Prevention

Quickfacts: Minnesota; at <http://quickfacts.census.gov/qfd/states/27000.html>. The 2,000,000 person estimate is conservative because it assumes, if there are 1.3 million lines, that the average household is 1.5 persons.

⁸ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 16.

⁹ CTC/Frontier, *Comments of Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc.*, *supra* note 5, at 2 (stating that, “[t]oday, only 5% of Twin Cities’ households and only 7% of outstate households rely solely on wireline service”) (citing Stephen J. Blumberg, Nadarajasundaram Ganesh, Julian V. Luke, and Gilbert Gonzales, United States Department of Health and Human Services, Centers for Disease Control and Prevention, *Wireless Substitution: State-level Estimates From the National Health Interview Survey, 2012* (December 18, 2013), at 8.

¹⁰ Blumberg and Luke, *supra* note 3, at 6.

data indicate that only 14% of this cohort has chosen to move to wireless only.¹¹ A substantial number of Minnesotans, especially our most vulnerable elders, do continue to rely exclusively or heavily on landlines, even if they also own a cellphone.

D. *Large Numbers of Emergency Calls are Made Via Landlines*

CenturyLink seeks to justify its petition by citing a Federal Communications Commission document indicating that, nationwide, 70% of 9-1-1 calls are placed on wireless phones. CenturyLink, however, does not inform the Commission that the remaining 30% of 9-1-1 calls equate to 72 million emergency calls made via landline.¹² In Minnesota, a combined 1.2 million calls are made annually to the Ramsey County Emergency Communications Center and the Washington County 9-1-1 Communications Center alone.¹³ Thirty percent of these requests for service equal 360,000 calls.

In sum, the data the proponents rely on in fact do not support their proposals but instead show that a significant number of Minnesotans continue to rely on landline service and the need for robust service quality standards remains.

¹¹ Id.

¹² Chris Nussman, National Emergency Number Association, *NENA Applauds FCC Action on Wireless Location Accuracy*, February 20, 2014; at <http://www.nena.org/news/news.asp?id=161710&hhSearchTerms=%22240+and+milion%22> (noting that there are “240 million annual calls to 9-1-1”). 30% of 240 million equals 72 million. NENA is a membership organization of public sector and private sector officials, and emergency call-takers and dispatchers with “7,000 members in 48 chapters across the United States and around the globe.” National Emergency Number Association, *9-1-1 About NENA*, available at <http://www.nena.org/?page=AboutNENA>.

¹³ See Ramsey County Emergency Communications Department, *About Us*, at https://www.co.ramsey.mn.us/ecc/about_us.htm (noting that the department handles “approximately one million telephone calls annually,” which include nonemergency calls as well); and Washington County, *9-1-1 Operations*; at <http://www.co.washington.mn.us/index.aspx?NID=940> (noting that the Washington County 9-1-1 Communications Center receives more than “200,000 phone call requests for service” which initiate the coordinated response by law enforcement, fire, and emergency medical services to all Washington County residents”).

II. Contrary to CenturyLink’s Characterization, the State’s Telecommunications Goals Do Not Support Weakening Service Quality Rules.

CenturyLink’s comments contain this conclusory and inaccurate statement: “State goals associated with regulating telecommunications providers now include not only the traditional issues of universal service, price and service quality, but also, and *most importantly*, goals related to increased competition, consumer choice, investment and innovation, including the increased broadband deployment and speeds.”¹⁴ Nowhere in the statute does the Legislature place a higher importance on the goals enumerated by CenturyLink as “most important” and assign a lesser importance to service quality. Not only does CenturyLink mischaracterize existing law, it omits the fact that the same statute pronounces as a state policy goal to *maintain and improve service quality*.¹⁵ The plain language of the statute contradicts and thus discredits CenturyLink’s assertion.

III. CenturyLink Provides No Evidence to Support Its Statement that Changes to the Service Quality Rule Will Not Impact Customers.

CenturyLink offers the conclusory statement that “[a]lteration of a service quality metric...may be of little import to the customer.”¹⁶ No evidence is presented to support that speculative assertion. But there can be no dispute that diminution of, for example, the rule that requires restoration of outages within 24 hours is of paramount import to seniors who rely 24/7 on having a phone in emergencies or for the operation of medical devices. CenturyLink is wrong; alteration of a service quality metrics in fact place customers, and especially elderly and disabled customers, at greater risk.

¹⁴ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 1. (Emphasis added).

¹⁵ Minn. Stat. § 237.011.

¹⁶ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 4.

IV. CTC/Frontier's Assertions are Unsupported

CTC/Frontier asserts that “Commission’s rules prioritize voice restoral over broadband and are not reflective of today’s consumer desires.”¹⁷ It complains that it is burdened by service quality requirements, laments that it has lost “roughly half of [its] customers to competitors,” and contends that “over one-third of Minnesota households have decided that they no longer desire to purchase wireline service.”¹⁸

CTC/Frontier offers not a shred of evidence to support its conclusory statement that consumers place more importance on broadband than on restoration of basic service. If CTC/Frontier’s assertion that more than one-third of Minnesota households have decided that they no longer desire to purchase wireline service is meant to imply landline service is no longer important or necessary, the fact that two-thirds of Minnesota households that continue to desire to purchase wireline service undermines the company’s argument and in fact suggests the opposite. CTC/Frontier’s unsupported assertion disturbingly suggests that voice restoration represents a lower priority to the company.

Further, CTC/Frontier implies and seeks to lead the Commission to conclude that there is a correlation – and in fact a direct one -- between CTC/Frontier’s adherence to existing service quality rules and its loss of customers. As before, CTC/Frontier presents no evidence to show any link – let alone a direct one – between loss of customers and adherence to service quality standards. On the other hand, an implication the Commission can clearly take from these comments is that service quality will most certainly erode for its existing customers should many of CTC/Frontier’s proposals be adopted.

¹⁷ CTC/Frontier, *Comments of Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc.*, *supra* note 5, at 2.

¹⁸ *Id.*, at 4.

V. What is in the Companies' Self-Interest in Not Necessarily in the Best Interests of Customers or in the Public Interest.

The proponents freely acknowledge that it is in their self-interest to rid themselves of uneconomical customers, such as those who either must have or who simply want basic services, and instead focus their resources on higher return customers. CenturyLink, in its initial petition precipitating this proceeding, blatantly declares that “[t]he resources needed to meet this rule to protect a dwindling customer base would be better used for deployment of advanced services that Minnesota consumers so desire, including broadband.”¹⁹ Similarly, CTC/Frontier grumbles that it is “*encumbered* with rigorous service quality requirements.”²⁰ They both complain that other marketplace players are not subject to the same rules.

If the companies' primary interest lies in serving broadband and other customers, what does that suggest if a company is faced with a choice of where to deploy its resources? Will the resources go to restoring the outage to a landline customer? Or will they go to the new demands of customers? The answer is obvious: landline customers with outages will experience inferior service and longer wait times for restoration. Among these customers are a significant number of our elders, consumers with disabilities, and persons living in Greater Minnesota without reliable alternatives.

At the crux of these requests for rule changes is the search for the legal authority from the Commission to provide diminished service to more than two million Minnesotans – including the ILECs' captive and most vulnerable customers. The line of argument proffered by

¹⁹ CenturyLink, *Petition for Waiver of Minnesota Rule Part 7910.5800 and Request for Rulemaking to Modernize Service Quality Rules* (filed March 26, 2014), at 4.

²⁰ CTC/Frontier, *Comments of Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc.*, *supra* note 5, at 4. (Emphasis added).

CenturyLink and others to do so is that competitors are held to a lesser standard and thus, in essence, the Commission should sanction a race to the bottom.

The standard CenturyLink and others wish to be held has produced for consumers, according to the American Customer Satisfaction Index (ACSI), “the worst customer service” in America.²¹ Many of the very competitors CenturyLink and others wish to emulate and who are held to the standard CenturyLink and others covet “get the lowest scores” of all.²² These are not aspirations the Commission should sanction, especially considering the customers who would be adversely impacted have paid for (and are still paying for) the existing quality of service they have reasonably come to expect and the standards they justifiably expect their carrier to meet.

VI. Despite Its Protestations, CenturyLink is Still the Dominant Market Player

CenturyLink complains that “70% of residential customers in Minnesota have made the choice to purchase service from non-incumbent providers,” which means that incumbent providers still capture 30% of the market.²³ CenturyLink’s fails to note that its market share is still dominant. That fact is revealed in an exhibit attached to an affidavit submitted by CenturyLink’s own Director of Operations, Mr. Robert Brigham. His exhibit shows that no other individual carrier has a larger market share.²⁴

²¹ Caroline Mayer, *Best And Worst Customer Service In America*, FORBES, July 23, 2014; at <http://www.forbes.com/sites/nextavenue/2014/07/23/best-and-worst-customer-service-in-america/>

²² *Id.*

²³ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 8.

²⁴ Robert Brigham, In the Matter of a Rulemaking to Consider Possible Amendments to Minnesota Rules, parts 7810.4100 through 7810.6100, Docket No. P999/R-14-413, *Affidavit of Robert Brigham. Exhibit RHB-2* (filed December 4, 2014) (showing CenturyLink with the highest market share of any competitor, including the wireless carriers, who among them split 37% of the market).

In sum, CenturyLink is still the dominant market player despite its protests that existing service quality standards impede its ability to compete. CenturyLink holds that market position, not coincidentally, because of the incumbency it enjoys and the infrastructure advantage it has, paid for by the very ratepayers whose service quality the company now proposes to diminish.

Reply Comments on Specific Rule Changes Proposed by CenturyLink, MTA, and CTC/Frontier

I. Access to Test Facilities – Minn. Rules, part 7810.4100

CenturyLink, MTA, and CTC/Frontier all propose repeal of this rule that requires carriers to permit access to facilities that measure system performance. CenturyLink and MTA rest their proposal on the argument that new technologies have rendered this rule obsolete. But when MTA points out that system “testing and maintenance is completely different,” it is actually arguing for, at worst, a revision of the protocols to account for new ways of operation and maintenance -- not that the need for the rule is no longer valid.²⁵ The carriers have failed to meet their burden to show that the underlying purpose of the rule has been rendered obsolete and unnecessary. At best, they have shown that perhaps different methods must be employed to fulfill that purpose.

Yet, none of the proponents of repeal offer any alternative language that makes more sense in the modern era to accomplish the underlying goal of the rule. The Coalition recommends that the Commission not grant the requests to repeal the Access to Test Facilities

²⁵ Minnesota Telecom Alliance, In the Matter of a Rulemaking to Consider Possible Amendments to Minnesota Rules, parts 7810.4100 through 7810.6100, Docket No. P999/R-14-413, *December 4, 2014 Initial Comments of Minnesota Telecom Alliance* (filed December 4, 2014), at 12.

Rule and not make any changes unless and until a party proposes an amendment that updates the rules without eviscerating its underlying purpose.

II. Accuracy Requirements – Minn. Rules, part 7810.4300

MTA proposes repeal – while CTC/Frontier proposes modernization – of this rule. CTC/Frontier’s proposed amendment properly preserves the rule’s basic purpose: to ensure that billing is accurate because the mechanisms used to “record data and prepare customers’ bills” are operating properly.²⁶ That is a core function and central to the integrity of the system.

The Coalition favors modernization rather than repeal, but contends that CTC/Frontier’s proposal is not sufficiently comprehensive. The Coalition recommends that the Commission reject CenturyLink and MTA’s proposals and instead amend the Accuracy Requirements Rule to read:

~~All meters and/or recording devices, software applications, or other mechanisms used to record data and prepare customers' bills shall be in good mechanical and electrical operating condition, shall accurately perform the functions necessary to read and record the data, and shall not involve approximations. All bills provided to customers must be accurate. All meters and/or recording devices shall accurately perform the following.~~

~~For message rate service, where timing of length of message is not involved, the meter and/or recording device shall show accurately the number of completed messages sent by the station which it is measuring. For message rate and/or toll service when in addition to recording the calls it is necessary to time the calls, the meter and/or recording device shall show accurately the number of calls and the talking time involved in each call and the station making such call. When the recording~~

²⁶ Minn. R. part 7810.4300.

~~equipment provides coded information that is used to automatically prepare customer bills, accurate interpretation of such coded information is required.~~

III. Adequacy of Service – Minn. Rules, part 7810.4900

CenturyLink would eliminate in its entirety this rule that requires carriers to “employ reasonable engineering and administrative procedures to determine the adequacy of service.”²⁷ MTA would eliminate most of the rule. Conversely, CTC/Frontier would retain most of it. CTC/Frontier’s proposal should be adopted. In proposing to retain most of the rule, CTC/Frontier acknowledges its ongoing centrality. In proposing complete repeal, CenturyLink suggests that much of the rule “simply requires adequate service.”

The Coalition believes the “simple requirement” of adequate service has never been more important. As the telecommunications industry is transforming technologically, creating consumer benefits, it is at the same time engaging in a race to the bottom with respect to customer service and service quality. Requiring providers to have reasonable procedures to measure accuracy seems, at a minimum, to be a fundamental, sensible, and desirable requirement.

CenturyLink’s other rationale for repeal is fatally flawed. CenturyLink contends that the rule “*in many respects* is out of date.”²⁸ In so averring, CenturyLink admits that only some, but not all, of the rule is outdated. Therefore, CenturyLink’s own logic does not support its own proposal for complete repeal. Rather, it argues, at worst, for modification. Given the

²⁷ Minn. R. part 7810.4900.

²⁸ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 20. (Emphasis added)

foregoing, CTC/Frontier’s proposal to modify the rule should be adopted – but not for the reasons proffered by CTC/Frontier.

CTC/Frontier’s justification for this proposal (and five others) is that the changes proposed “will not adversely impact service quality, as carriers are keen to provide satisfactory service to their customers in order to retain their business.”²⁹ For the following reasons, the Commission should reject this rationale as justification for any of CTC/Frontier’s proposed changes to the rules or any changes to the rules the Commission may ultimately adopt.

First, CTC/Frontier’s claim is conclusory, devoid of evidentiary support. Second, the subjective and self-serving rationale CTC/Frontier offers – that the reduction in service quality requirements is justified because carriers are “keen to provide satisfactory service” -- simply flies in the face of findings of the most recent ACSI survey finding this industry provides the worst customer service off all industries in America.³⁰

The Coalition urges the Commission to adopt CTC/Frontier’s proposal but not for the reasons it suggests. Rather, the Commission should adopt CTC/Frontier’s proposal because: (1) the maintenance and improvement of service quality requirements is state policy; (2) the rule represents a bulwark against the steady deterioration of quality and service in the telecommunications industry; and (3) the proposal eliminates one obsolete section while retaining the still vibrant core of the rule.

²⁹ CTC/Frontier, *Comments of Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc.*, *supra* note 5, at 12. The verbatim rationale is also found justifying changes to Minn. R. parts 7810.4100; 7810.4300; 7810.5100; 7810; 5300; and 7810.5400. See CTC/Frontier, *Comments of Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc.*, *supra* note 5, at 11, 12, 14, and 15.

³⁰ Meyer, *supra* note 21.

IV. Utility Obligations – Minn. Rules, part 7810.5000

CTC/Frontier recommends retention of this rule as is. CenturyLink and MTA recommend elimination of most of it. This rule, at its essence, requires carriers to measure their own service levels and make available for Commission review records that carriers should be keeping and making accessible so that the Commission can adequately perform its critical regulatory function. CenturyLink and MTA, each in its own way, would erode important protections contained in the rule. Neither's proposal should be adopted. The rule should stand as is.

CenturyLink would eliminate the requirement that it meet or exceed service quality standards contained in the rules. And although CenturyLink would retain the rule's requirement to continually review its operations "to assure the furnishing of adequate service," it proposes to rid itself of any duty to maintain records. MTA would absolve itself of the obligation to review its own procedures to ensure adequate service, while also eliminating any requirement to maintain records and foreclosing the Commission's regulatory oversight. The nonexistence or unavailability of records fundamentally thwarts the ability of the Commission to rely on measurable data necessary to assess service quality performance. Such an outcome is unacceptable.

The Coalition urges the Commission to reject CenturyLink and MTA's proposals. If CenturyLink and MTA wish to abolish the Commission's regulatory oversight, then they should seek approval from the Legislature, not ask the Commission to abdicate its own authority under the guise of rule modernization. The Coalition agrees with CTC/Frontier that the existing rule setting forth utility obligations should be retained.

V. Telephone Operators – Minn. Rules, part 7810.5100

CenturyLink and MTA urge repeal of this rule governing operators. CTC/Frontier recommends retention of only that portion of the rule that requires a bill credit for a wrong number. The Coalition asks the Commission not to repeal the rule or go as far in amending the rule as CTC/Frontier recommends. The Coalition urges the Commission to retain language requiring suitable practices, and recommends that the Commission amend this rule to read:

~~Suitable practices shall be adopted by each telephone utility concerning the operating methods to be employed by operators with the objective of providing efficient and pleasing service to the customers. Telephone operators shall be instructed to be courteous, considerate, and efficient in the handling of all calls, and to comply with the provisions of the Communications Act of 1934 in maintaining the secrecy of communications. All operator-handled calls shall be carefully supervised and disconnects made promptly. When an operator is notified by a customer that the customer has reached a wrong number on a direct-dialed call, the customer shall be given a bill credit when the claim has been substantiated.~~

VI. Answering Time – Minn. Rules, part 7810.5200

CenturyLink would repeal this rule entirely while MTA and CTC/Frontier would lower the standards for answering both general and repair calls. None of these proponents offer anything but generalizations and unsupported, conclusory evidence for their requests for change. The Coalition contends that the standards imposed for answering time reflect an element of service quality that is highly valued by customers. They should be retained.

A. Century Link's Has Provided No Support for Its Proposal to Repeal the Rule

CenturyLink argues that the rule “imposes...costs on specific telephone companies that provide service to a small percentage of the marketplace.”³¹ Yet CenturyLink provides zero evidence of what those costs are and how or why they are incurred.

In addition, CenturyLink contends that “[c]ompetition provides the incentive...to respond to the calls...expeditiously.”³² In a similar vein, MTA urges the Commission to reduce answering time standards in part because they do not “reflect modern automated answering systems.”³³

It appears, however, that consumers do not agree. Too many attempting to navigate phone menus frequently feel trapped in “automated phone purgatory.”³⁴ In fact, *Consumer Reports* found that not being able to reach a live person is “the No. 1 gripe about customer service.”³⁵ The U.K. even provides a “phone rage index” to measure consumer frustration with phone menus.³⁶ Answering time is important. CenturyLink has not met its burden. This rule should not be repealed.

B. The Numerical Standard for General and Repair Calls Should Remain Unchanged

Both MTA and CTC/Frontier would eliminate the portion of the standard requiring that 95% of calls to local manual offices answered within 10 seconds. Further, both MTA and CTC/Frontier would revise the standard involving answering time to repair centers and other

³¹ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 23.

³² *Id.*

³³ Minnesota Telecom Alliance, *December 4, 2014 Initial Comments of Minnesota Telecom Alliance*, *supra* note 25, at 15.

³⁴ Jolayne Houtz and Emily Heffter, *How to Outsmart Automated Phone Systems*, SEATTLE TIMES, November 6, 2005.

³⁵ Eileen Ambrose, *How to Find a Real, Live Person for Real Customer Service*, BALTIMORE SUN, June 20, 2011.

³⁶ Christopher Spillane, *Phone Rage in U.K.: Taxman Beats Ford in Call Center Frustration*, BLOOMBERG BUSINESS WEEK, July 19, 2013.

calls. MTA would reduce the current standard of 90% of “repair service calls, calls to the business office, and other calls” answered within 20 seconds.³⁷

Under MTA’s proposal only repair service calls would be covered under the service quality standard. MTA recommends the rule be amended to read: “Calls to the repair service center by retail residential customers will be on hold no more than an average of 120 seconds after the last menu option is selected by the customer.”³⁸ MTA justifies its requests through general statements of the state of the industry without explaining how and why it arrived at this particular revised standard.

CTC/Frontier takes a slightly different tack, recommending the rule still include “repair service calls, calls to the business office, and other calls” but the standard would be lowered to 80% answered within 20 seconds.”³⁹ CTC/Frontier states as fact – without any evidentiary support – that the current standard is “exceeding the results achieved by call centers in other industries.”⁴⁰ Moreover, the company provides no information to underpin the specific standard it proposes.

Answering time for repair service calls, calls to the business office, and other calls is not a relic of a bygone era. MTA and CTC/Frontier’s proposals should be rejected at this time because neither MTA nor CTC/Frontier provides any rationale whatsoever for the particular standards each proposes. There is no basis in this record to reduce the current standard to either of the levels recommended.

³⁷ Minn. R. part 7810.5200.

³⁸ Minnesota Telecom Alliance, *December 4, 2014 Initial Comments of Minnesota Telecom Alliance*, *supra* note 25, at 16.

³⁹ CTC/Frontier, *Comments of Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc.*, *supra* note 5, at 14.

⁴⁰ *Id.*

Alternatively CTC/Frontier suggests a metric that would require “the average answer time for repair service calls, calls to the business office, and other calls shall be 60 seconds or less.”⁴¹ In support, CTC/Frontier points out that it “has been operating under an answer time metric of an average answer time” and asks to modify the rule so as to be flexible enough to allow for carriers to choose the metric that best fits their business plans.⁴² The Coalition would not necessarily be opposed to an alternative metric to measure service quality in this area, but, as with its earlier proposal, CTC/Frontier provides no evidence to explain or support why the particular standard it proposes is the correct one.

In sum, the proponents of lowering the current standard as it relates to repair service calls, calls to the business office, and other calls have presented no evidence at all as to why the standard should be lowered to the specific levels they recommend. Unless and until the proponents present credible evidence to support their recommendations, the Commission should, at a minimum, retain current answering time standards regarding repair service calls, calls to the business office, and other calls. The Coalition would urge rejection of CTC/Frontier’s “alternative” proposal unless and until the company explains the rationale for why the “average answer time” standard proposed is the accurate one and why it, as opposed to any other, should be adopted.

⁴¹ Id.

⁴² Id.

VII. Dial Service Requirements – Minn. Rules, part 7810.5300

CenturyLink, MTA, and CTC/Frontier all propose repealing a foundational rule assuring what every customer wants and has come to expect: “When I pick up the phone, I want to get a dial tone and when I get one I want the call connected.” Even more important than what a customer wants is a customer’s need to get a dial tone immediately in emergencies. None of the proponents of repeal offers a shred of tangible evidence to support its proposals. The burden remains on those seeking change to show why it is in the public interest. None of the proponents meets its burden.

CenturyLink dismisses the importance of the rule by claiming: “it is obsolete (and) does not reflect current methods of operation and does nothing to enhance the quality of service delivered by a telecommunications provider.”⁴³ CenturyLink provides no support for its conclusory statement that requiring a dial tone within a certain number of seconds is obsolete. Nor does it provide any factual, evidentiary support for its assertion that getting an immediate dial tone does not enhance the quality of service.

MTA, on the other hand, provides a more detailed treatise on how the technology of telephonic communications has evolved (in essence, how we get a dial tone),⁴⁴ but comes to the equally unsupported conclusion that, regardless of how dial tone is achieved, a foundational measurement of how quickly dial tone is obtained is an irrelevant measure of service quality. The Coalition believes the opposite.

⁴³ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 25.

⁴⁴ Minnesota Telecom Alliance, *December 4, 2014 Initial Comments of Minnesota Telecom Alliance*, *supra* note 25, at 16.

CTC/Frontier resorts to the rote and conclusory rationale it proffers for most of its proposals: there will be no adverse impact on service because “carriers are keen to provide satisfactory service.” This rationale is wholly inadequate to meet a proponent’s burden of proof to show that a proposed change is in the public interest.

The Coalition urges the Commission to reject the recommendation from CenturyLink and the others to repeal the Dial Service Requirements Rule. Whether, as CenturyLink suggests, the rule should be updated to reflect what it terms “modern operations”⁴⁵ is a question the Commission could resolve, but neither CenturyLink nor the others, making essentially the same argument, have provided alternatives for updating the methods without eliminating the underlying purpose of the rule.

The Coalition believes that obtaining dial tone immediately and completing the call once dial tone is obtained is at the core of what customers want, expect, and, in emergencies, need. The Commission should retain this rule as is unless and until proponents of change provide both an alternative to reflect modern technology that preserves the basic requirement of this rule and the concrete data and evidence to support the request for the change.

VIII. Interoffice Trunks – Minn. Rules, part 7810.5400

MTA “does not recommend any modification of Rule 7810.5400 because the underlying principle of insuring adequate connectivity between facilities remains valid.”⁴⁶ The Coalition agrees with MTA that the rule should be retained for the reason MTA articulates.

⁴⁵ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 23.

⁴⁶ Minnesota Telecom Alliance, *December 4, 2014 Initial Comments of Minnesota Telecom Alliance*, *supra* note 25, at 17.

On the other hand, CenturyLink argues for repeal, asserting that “[a]ll providers have significant incentive to ensure that adequate capacity exists for the completion of calls.”⁴⁷ Additionally, it argues, the Commission has jurisdiction to resolve disputes about capacity.⁴⁸ This is hardly justification for repeal. Because there is incentive to meet certain benchmarks does not mean there is no longer a need for a particular benchmark. Further, whether or not the Commission has jurisdiction to intercede on questions of whether capacity was or was not adequate to ensure call completion is unrelated to whether there ought to be a standard for call completion. CenturyLink has not met its burden to prove repeal is in the public interest. To the contrary, in the Coalition’s view, service quality standards regarding call completion are essential.

IX. Transmission Requirements – Minn. Rules, part 7810.5500

CenturyLink, MTA, and CTC/Frontier all agree that the rule should be retained. MTA and CTC/Frontier suggest no change whatsoever. CenturyLink suggests what it refers to as “slight modification”: changing the phrase “telephone utility” to “telephone provider.”⁴⁹

The Coalition urges the Commission to adopt MTA and CTC/Frontier’s recommendation and reject CenturyLink’s. CenturyLink’s “slight modification” has hefty implications far beyond the scope of this proceeding. The Commission is being asked only to decide whether and how existing service quality rules should be changed; it is not being asked to decide to whom they should apply. Making such a change, clothed in technicality with only a broadest, yet thinnest

⁴⁷ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 23.

⁴⁸ *Id.*

⁴⁹ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 23.

justification, would have significant substantive consequences that, if the Commissions deems it worthy, ought to be explored in a separate docket.

IX. Interruptions of Service – Minn. Rules, part 7810.5800

This rule has four components. It requires carriers to: (1) work to prevent outages and if they occur reestablish service in the shortest time possible; (2) restore 95% of outages within 24 hours of their being reported; (3) notify customers of planned outages, complete maintenance with minimal disruption to consumers, and make emergency service available; and (4) notify the Commission when Acts of God are expected to cause prolonged outages.⁵⁰ CenturyLink, MTA, and CTC/Frontier all would do violence to all or parts of this rule. With one small improvement proposed by MTA, the remainder of the carriers' proposals should be rejected.

A. Prevention of Outages/Restoration Without Delay

One portion of the rule reads: "When interruptions occur, the utility shall reestablish service with the shortest possible delay."⁵¹ CenturyLink and MTA would both retain this provision. The Coalition agrees that no change should be made to this portion of the rule.

CTC/Frontier proposes to amend the rule to require restoration, not "with the shortest possible delay," but rather "as soon as practicable."⁵² For several reasons, the Coalition urges the Commission to reject this change.

⁵⁰ Minn. R. part 7810.5800.

⁵¹ Minn. R. part 7810.5800.

⁵² CTC/Frontier, *Comments of Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc.*, *supra* note 5, at 17.

First, the amendment CTC/Frontier proposes represents a subtle but perceptible and inappropriate erosion of the standard. The current standard encourages the promptest possible response. CTC/Frontier’s language change suggests a lowering of the standard without explanation or justification. Second, neither CenturyLink nor MTA recommend any changes. This portion of the rule should remain as is.

B. 95% Restoration Within 24 Hours Standard

This portion of the Minnesota Rules, part 7810.5800, sets a standard of 95% restoration within 24 hours of an outage.⁵³

Century Link Proposal

CenturyLink’s earlier request to suspend this restoration of service standard was unanimously – and firmly – denied by the Commission at its July 10, 2014 meeting.⁵⁴ In its August 11, 2014 *Order Denying Variance (Order)*, the Commission found that CenturyLink utterly failed to prove that compliance with the existing rule presented an excessive burden and repeal of the rule was in the public interest.⁵⁵ To the contrary, the Commission found that CenturyLink: (1) admitted it was “in substantial compliance” with the rule; and (2) failed to substantiate its claim that the rule imposed “extraordinary costs” or impeded “the company’s competitiveness.”⁵⁶ Further, the Commission found that CenturyLink failed to meet its public

⁵³ Minn. R. 7810.5800.

⁵⁴ Minnesota Public Utilities Commission, *Minutes – July 10, 2014 Energy Agenda*, at 5; at <https://www.edockets.state.mn.us/EFiling/edockets/searchDocket.do?method=showPoup&documentID={06F8047B-B8B7-46B8-B484-F82062A08EFC}&documentTitle=20149-103223-01>

⁵⁵ Minnesota Public Utilities Commission, In the Matter of the Petition of CenturyLink, Inc. for a Variance to Minnesota Rules, part 7810.5800, Docket No. P-421/AM-14-255; In the Matter of the CenturyLink, Inc. Petition for Rulemaking to Revise Service Quality Rules, Docket No. P-421/AM-14-256; In the Matter of a Rulemaking to Consider Possible Amendments to Minnesota Rules, parts 7810.4100 through 7810.6100; Docket No. P-999/R-14-413, *Order Denying Variance Request* (issued August 11, 2014).

⁵⁶ *Id.*, at 7 - 8.

interest test burden to show its proposal would not have an adverse impact on consumers and or conflict with state policy goals.⁵⁷

The Order noted that CenturyLink’s petition focused not on harm to consumers but rather on costs to the company.⁵⁸ Consumer intervenors argued the harm. As the Commission noted in summing up the arguments of AARP, the Community Action Partnership (CAP), and the Legal Services Advocacy Project (all members of this Coalition):

- “Landline telephone service is a basic necessity for older people to maintain social contact, preserve health and safety, and call for assistance in an emergency.”⁵⁹
- “[P]eople age 65 and older are more likely than any other group to have landline telephone service in their homes and...seniors rely on medical monitoring and alert systems that are not yet compatible with wireless phones.”⁶⁰
- “With over 27,000 customers experiencing outages each year, there is the potential for serious harm to the health and safety of consumers and members of their households.”⁶¹
- “Access to affordable and reliable telephone service is not simply a matter of convenience but a matter of health and safety.”⁶²
- “Significant numbers of people...continue to rely on landline service as their primary or only source of phone service, including those who, as they age, continue living in their homes for longer periods of time.”⁶³
- During “the 2014 propane heating crisis...50-60 percent of households within the West Central CAP territory [one of those administering local aid] were in communication by landline.”⁶⁴

⁵⁷ *Id.*, at 8 - 9.

⁵⁸ *Id.*, at 8.

⁵⁹ *Id.*, at 7.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*, at 6.

⁶³ *Id.*

⁶⁴ *Id.*

The Commission dismissed CenturyLink's Variance Petition based on the lack of merit contained in its arguments. In this proceeding, CenturyLink presents not a single new argument. Instead, it affirmatively rests its case on "the adverse consequences of the current rule [detailed] in its waiver petition and subsequent filings" -- details the Commission has already found wanting.⁶⁵ The Commission was unconvinced seven months ago. Nothing has changed. CenturyLink's proposal should be rejected.⁶⁶

MTA Proposal

MTA also proposes elimination of the restoration of service standard. It too provides zero justification for its proposal. For the same reasons the Coalition recommends rejection of CenturyLink's proposal, the Coalition urges rejection of MTA's proposal.

CTC/Frontier

CTC/Frontier proposes amending the rule in two ways: (1) reduce from 95% to 85% the percentage of outages that must be cleared within 24 hours of a specified time -- currently the time the outage is reported; and (2) add an alternative time from which the 24-hour restoration period would start.⁶⁷

Reduction from 95% to 85%

CTC/Frontier's proposal to reduce the standard from 95% to 85% has already been soundly rejected in the Variance Proceeding. CenturyLink offered the exact same proposal then that CTC/Frontier offers now. The Commission admonished CenturyLink for its failure to

⁶⁵ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 24.

⁶⁶ CenturyLink also proposes to extend the applicability of the remaining rule to others. As the Coalition has previously argued, the Commission is not being asked to decide to whom they should apply. Making such a change, clothed in technicality, would have significant substantive consequences that, if the Commission deems it worthy, ought to be explored in a separate docket.

⁶⁷ CTC/Frontier, *Comments of Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc.*, *supra* note 5, at 17.

“explain or quantify how reducing the standard to 85 percent would reduce its costs and increase its competitiveness.”⁶⁸ CTC/Frontier’s current proposal suffers from the same defect. No evidence as to how the proposal would further these goals has been presented – then or now.

Rather, CTC/Frontier pleads for the amendment by arguing that:

The importance of broadband service in customers’ lives now generally exceeds the importance of their wireline voice service. Customers generally are more concerned about the prompt restoral of their broadband service, rather than their voice service. The existing standard forces carriers to prioritize the restoral of voice service over broadband service, in direct conflict with customer wishes.⁶⁹

The Coalition takes serious issue with the unsupported conclusions and generalizations put forth by CTC/Frontier that customers value “prompt restoral of their broadband service, rather than their voice service.” Not one iota of evidence – factual, testimonial, or academic -- has been presented to justify CTC/Frontier’s claim. In contrast, most of the individual member organizations of this Coalition can attest to how vitally important reliable landline voice service is to the many clients they serve.

Finally, by arguing that the rules “force” prioritization of restoration over the deployment of Broadband, CTC/Frontier implicitly acknowledges that, if relieved of its obligation under this rule, it will indeed reorder its priorities and thus diminish service quality in the area of restoral of service. For all the reasons articulated, the Commission should reject CTC/Frontier’s proposal to reduce the restoration of service standard.

⁶⁸ Minnesota Public Utilities Commission, *ORDER DENYING VARIANCE REQUEST*, *supra* note 55, at 8.

⁶⁹ CTC/Frontier, *Comments of Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc.*, *supra* note 5, at 17.

When the 24 Hour Period Starts

CTC/Frontier also proposes to amend the standard to provide that clearance of outages must occur within 24 hours of either “the time such troubles are reported, or by the date of a repair appointment established with the customer.”⁷⁰ The Coalition would not be averse to establishing a separate and additional metric for how soon service should be restored after a repair appointment is established with the customer, if the Commission would establish a process to explore further what that metric should be.

However, the Coalition opposes any change to the rule at this time. CTC/Frontier has provided absolutely no rationale for the inclusion of a new, alternative metric. Unless and until CTC/Frontier provides a basis for the change it proposes, and an appropriate metric is developed, the Commission should reject the proposal to amend the rule as CTC/Frontier would recommend.

C. Consumer Service and Notification During Planned Outages

Incredibly, both CenturyLink and MTA propose to eliminate the requirements that, if the company knows in advance it will be doing maintenance, it must: (1) perform it “at a time which will cause minimal inconvenience to customers”; (2) “attempt to notify each affected customer in advance”; and (3) make emergency service “available, as required, for the duration of the interruption.”⁷¹ CTC/Frontier would adhere to causing minimal inconvenience to customers, but does not want to be held to the standard to notify those customers in

⁷⁰ Id. (Emphasis added)

⁷¹ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 23 - 24. See also Minnesota Telecom Alliance, *December 4, 2014 Initial Comments of Minnesota Telecom Alliance*, *supra* note 25, at 17.

advance.⁷² CTC/Frontier fails to offer any reasons why it should be relieved of responsibilities to provide what most would consider basic customer service and common courtesy.

The Coalition opposes any change to this portion of the restoration of service standard. It should be self-evident that notifying customers of planned maintenance and possible disruption to their lives, minimizing to the extent possible that disruption, and providing for emergencies during the duration of the disruption are reasonable, common sense, and appropriate standards to which any responsible business should be proud to be held.

D. Notification of Commission of Acts of God

CenturyLink, MTA, and CTC/Frontier all would retain this portion of the rule that requires notification of the Commission if a “catastrophe” (such as a storm or flood) is expected to interrupt service for a large number of customers for an inordinate period.⁷³ MTA, however, would improve the wording of the rule to make it applicable where there would be a “prolonged or serious interruption of service to a large number of customers.”⁷⁴ MTA’s proposal should be adopted. Therefore, the Coalition proposes that the Commission amend the rule to read:

Each telephone utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall reestablish service with the shortest possible delay. The minimum objective should be to clear 95 percent of all out-of-service troubles within 24 hours of the time such troubles are reported. In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each utility shall attempt to notify each affected customer in advance of the interruption. Emergency service shall be available, as required, for the duration of the interruption.

⁷² CTC/Frontier, *Comments of Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc.*, *supra* note 5, at 17.

⁷³ Minn. R. part 7810.5800.

⁷⁴ Minnesota Telecom Alliance, *December 4, 2014 Initial Comments of Minnesota Telecom Alliance*, *supra* note 25, at 18. (The current rule reads, in pertinent part, ““Every telephone utility shall inform the commission, as soon as possible, of any major catastrophe such as that caused by fire, flood, violent wind storms, or other acts of God which apparently will result in prolonged and serious interruption of service to a large number of customers.”) Minn. R. 7810.5800. (Emphasis added)

Every telephone utility shall inform the commission, as soon as possible, of any major catastrophe such as that caused by fire, flood, violent wind storms, or other acts of God which apparently will result in prolonged ~~and~~ or serious interruption of service to a large number of customers.

E. Expansion of Scope of Proceeding

As it did with respect to an earlier proposal, CenturyLink – here along with MTA – would, without thorough investigation of its ramifications, ask the Commission to change terminology from “telephone utility” to “telecommunications provider” that could have significant substantive impacts on the applicability of the rule.⁷⁵ The substantive implications of making this language change are too great to make such change without any record basis whatsoever.

As the Coalition pointed out earlier, the Commission is being asked only to decide whether and how existing service quality rules should be changed; not to decide to whom they should apply. The change sought by the proponents ought to be explored in a separate docket if the Commission sees fit to pursue this matter further.

X. **Customer Trouble Reports – Minn. Rules, part 7810.5900**

A. Century Link Proposal

Century Link would repeal this rule that requires companies to: (1) accept trouble reports 24 hours a day; (2) clear “trouble of an emergency nature at all hours, consistent with the bona fide needs of the customer and personal safety of utility personnel”; (3) keep records; and (4) maintain existing service quality, as measured by a metric.⁷⁶ CenturyLink argues for its

⁷⁵ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 23. See also Minnesota Telecom Alliance, *December 4, 2014 Initial Comments of Minnesota Telecom Alliance*, *supra* note 25, at 17.

⁷⁶ Minn. R. part 7810.5900.

proposal on the grounds that the market is competitive, the Commission “retains complaint authority,” and the current rule “does nothing to promote improved customer service.”⁷⁷

Century Link’s proposal should be rejected. First, whether or not the market is competitive and whether or not the Commission retains complaint authority are not relevant to whether there should be a rule that contains a standard of reliability -- a core customer value. As one of the Coalition members (AARP) notes: “Consumers must have affordable, reliable and high-quality access to essential telecommunications services in their residences, regardless of where they live.”⁷⁸

Second, state telecommunications policy goals expressly provide that service quality should be maintained, as well as improved.⁷⁹ CenturyLink’s justification for change (i.e., that this rule “does nothing to promote *improved* customer service”) ignores the fact that it does much to maintain service quality.⁸⁰ CenturyLink’s proposal conflicts with state goals.

The vague rationale offered by CenturyLink that “[t]he competitive marketplace has rendered the current rule obsolete” cannot possibly justify the elimination of a basic reliability standard and data and tools the Commission requires to fulfill its regulatory responsibilities. CenturyLink’s has offered insufficient support for its proposal to repeal a fundamental rule governing reliability of the network. CenturyLink’s recommendation should be denied.

⁷⁷ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 25.

⁷⁸ AARP, *Do You Want Reliable Phone Service?* October 31, 2013; at <http://www.aarp.org/politics-society/advocacy/info-09-2013/do-you-want-reliable-phone-service.html>. (Emphasis added)

⁷⁹ Minn. Stat. § 237.011.

⁸⁰ CenturyLink, *Comments of CenturyLink*, *supra* note 4, at 25. (Emphasis added)

B. MTA Proposal

Like CenturyLink, MTA seeks avoidance of basic customer service functions concerning reliability and response to trouble reports, its reporting obligations, and an investigation being triggered upon statistical evidence of extraordinarily poor performance.⁸¹ Under MTA's proposal, the only thing that would remain of the rule would be the existing standard of 6.5 trouble reports per hundred customers per month.⁸²

MTA relies on this unspecific explanation: the market has evolved from the "completely non-competitive market...to the current market."⁸³ MTA asserts that there is "ample justification to eliminate outdated and detailed record keeping requirements which add costs without any benefits" but fails to provide any justification whatsoever or to detail the alleged costs incurred.⁸⁴ MTA's proposal should be rejected because it has not met its burden of proof.

C. CTC/Frontier Proposal

CTC/Frontier acknowledges the importance of companies having standards concerning receiving and clearing trouble reports, keeping records, and maintaining the Commission's ability to review performance. It recommends retaining these parts of the rule in its entirety.

However, CTC/Frontier would lower the trouble reports per month bar from 6.5 per hundred to 5 per hundred to reflect both: (1) "the current environment" and (2) its "experience...that [the] average rate of customer troubles is lower now than when this standard was put into rule."⁸⁵ While the Coalition would not oppose improving that standard,

⁸¹ Minnesota Telecom Alliance, *December 4, 2014 Initial Comments of Minnesota Telecom Alliance*, *supra* note 25, at 18.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ CTC/Frontier, *Comments of Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc.*, *supra* note 5, at 17 - 18.

it does oppose the elimination of the second portion of this provision wherein an investigation is triggered when customer trouble reports per month reach 8 per 100. CTC/Frontier has failed to produce any evidence to back its proposal to eliminate a standard intended as a red flag to trigger at least an investigation into aberrant and less than satisfactory performance.

XI. Protective Measures – Minn. Rules, part 7810.6000

CenturyLink and MTA propose repealing this rule. They argue that because federal agencies are responsible for workplace safety, this rule falls “outside of the Commission’s area of expertise.”⁸⁶ CTC/Frontier proposes retaining this rule.

The Coalition supports CTC/Frontier’s position. Ensuring the provision of safe, reliable, and continuous service and the protection of the public and worker safety are not only basic functions of a utility regulator, but also they are required of the Commission by statute. The safe provision of service and safety of customers and workers is expressly referenced in the Competitive Services section of Minnesota law. A service may be regulated under the “emerging competition” provisions of the statute “if it is a new service...not integrally related to the provision of adequate telephone service or access to the telephone network or to the privacy, health, or *safety of the company's customers*.”⁸⁷ Additionally, express state policy provides that it is in the “state's interest that the use and regulation of public rights-of-way be carried on in a fair, efficient, competitively neutral, and substantially uniform manner, while recognizing such regulation must reflect the distinct engineering, construction, operation,

⁸⁶ Minnesota Telecom Alliance, *December 4, 2014 Initial Comments of Minnesota Telecom Alliance*, supra note 25, at 18 – 19. See also CenturyLink, *Comments of CenturyLink*, supra note 4, at 25. .

⁸⁷ Minn. Stat. § 237.57, subd. 4. (Emphasis added)

maintenance and *public and worker safety requirements.*⁸⁸ And, the Commission is charged with the development of uniform statewide standards to “ensure the *safe* and convenient use of public rights-of-way in the state.”⁸⁹

This rule, as CTC/Frontier recommends, should be retained. While dual jurisdiction may exist, public and worker safety are squarely within the Commission’s jurisdiction and are among the duties with which it is expressly charged in Minnesota statutes.

XII. Safety Program – Minn. Rules, part 7810.6100

Both CenturyLink and MTA would retain this rule. CTC/Frontier recommends its elimination based on the fact that “there are other state and federal requirements covering workplace safety matters” and its conclusory statement that “[t]here will be no impact to service quality.”⁹⁰

CTC/Frontier makes no showing to support its claim that there will be no impact on service quality by the elimination of this rule. Further, CTC/Frontier’s recommendation to retain the Protective Measures Rule (Minn. R. part 7810.6000) is inconsistent with its recommendation to eliminate the related Safety Program Rule (Minn. R. part 7810.6000). Finally, CTC/Frontier is alone in recommending repeal. As previously noted, the Commission’s clear jurisdiction over safety in the provision of telecommunications services is not completely usurped because other agencies may have concurrent or slightly different jurisdictional responsibility. This rule should be retained.

⁸⁸ Minn. Stat. § 237.163, subd. 1. (Emphasis added)

⁸⁹ Minn. Stat. § 237.163, subd. 8. (Emphasis added)

⁹⁰ CTC/Frontier, *Comments of Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc.*, *supra* note 5, at 17 - 19.

Conclusion

The Telecommunications Consumer and Small Business Coalition appreciates the opportunity to offer reply comments to this proceeding. The Coalition contends that the need for strong service quality rules has never been greater because in this time of transition in the telecommunications industry, the upward trend in the popularity of wireless has produced a documented and precipitous decline in customer service and service quality – and an increasing number of frustrated consumers.

Virtually the only argument for CenturyLink, MTA, and CTC/Frontier’s recommendations to amend – and in some cases gut – Minnesota’s service quality rules amounts to “landlines are dead, long live wireless and broadband.” To that implication, the Coalition retorts: “Hold the phone!”

CenturyLink, MTA, and CTC/Frontier have provided little if any concrete evidence – and thus have failed to meet its burden -- to support its claims that the changes they propose will not have an adverse impact on customers and will not adversely impact the public interest. In contrast, the Coalition has shown that the changes it opposes will adversely impact the 2,000,000 Minnesotans who either rely exclusively on or continue to demand landline service. The Commission should adopt the Coalition’s recommendations.⁹¹

⁹¹ Appendix B compares the Coalition’s recommendations to CenturyLink’s, MTA’s, and CTC/Frontier’s.

March 13, 2015

Respectfully submitted,

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Appendix A

Description of Organizational Members of the Telecommunications Consumer and Small Business Coalition

AARP is a nonprofit, nonpartisan organization, with a membership 652,000 Minnesotans, advocating on issues affecting older Americans, including utilities and telecommunications.

The Institute for Local Self-Reliance is a nonprofit organization providing innovative strategies, working models and timely information to support environmentally sound and equitable community development.

The Legal Services Advocacy Project is a statewide division of Mid-Minnesota Legal Aid, a nonprofit organization representing the interests of low-income Minnesotans through legislative and administrative advocacy, research, and community education activities.

The Minnesota Community Action Partnership the nonprofit, membership organization representing the Community Action Agencies (CAAs) across the state that provide a range of services to families in need to help them move toward economic independence, growth, well-being and opportunity.

The Twin Cities Metro Independent Business Alliance is a membership organization consisting of 300 entrepreneurs, business organizations and individual citizens throughout the seven-county metropolitan area, advancing pro-local business policies, and other work to support local entrepreneurs and strengthen local economies.

The Telecommunications Consumer and Small Business Coalition

Reply Comments in Docket No. P-999/R-14-413

Appendix B

Comparison of Parties' Proposals

<u>Rule</u>	<u>Consumer Coalition</u>	<u>CenturyLink</u>	<u>MTA</u>	<u>CTC/Frontier</u>
7810.4100 <i>Access to Test Facilities</i>	Retain	Repeal	Repeal	Repeal
7810.4300 <i>Accuracy Requirements</i>	Amend All meters and/or recording devices, software applications, or other mechanisms used to record data and prepare customers' bills shall be in good mechanical and electrical operating condition, shall be accurately perform the functions necessary to read <u>and record the data</u> , and shall not involve approximations. <u>All bills provided to customers must be accurate.</u> All meters and/or recording devices shall accurately perform the following: For message rate service, where timing of length of message is not involved, the meter and/or recording device shall show accurately the number of completed messages sent by the station which it is measuring. For message rate and/or toll service when in addition to recording the calls it is necessary to time the calls, the meter and/or recording device shall show accurately the number of calls and the talking time involved in each call and the station making such call. When the recording equipment provides coded information that is used to automatically prepare customer bills, accurate interpretation of such coded information is required.	Repeal	Repeal	Amend All meters and/or recording devices used to record data and prepare customers' bills shall be in good mechanical and electrical condition, shall be accurately read <u>and record the data</u> , and shall not involve approximations. All meters and/or recording devices shall accurately perform the following: For message rate service, where timing of length of message is not involved, the meter and/or recording device shall show accurately the number of completed messages sent by the station which it is measuring. For message rate and/or toll service when in addition to recording the calls it is necessary to time the calls, the meter and/or recording device shall show accurately the number of calls and the talking time involved in each call and the station making such call. When the recording equipment provides coded information that is used to automatically prepare customer bills, accurate interpretation of such coded information is required.

<u>Rule</u>	<u>Consumer Coalition</u>	<u>CenturyLink</u>	<u>MTA</u>	<u>CTC/Frontier</u>
<p>7810.4900 <i>Adequacy of Service</i></p>	<p style="text-align: center;">Amend Adopt CTC/Frontier Proposal</p> <p>Each utility shall employ reasonable engineering and administrative procedures to determine the adequacy of service being provided to the customer. Traffic studies shall be made and records maintained to the extent and frequency necessary to determine that sufficient equipment and an adequate operating force are provided during the busy hour, busy season. Each telephone utility shall provide emergency service in all exchanges operated in which regular service is not available at certain periods during the 24 hours of the day. When service is not continuous for the full 24-hour day, proper arrangements shall be made for handling emergency calls during the off periods by the use of alarms maintained in proper conditions with someone conveniently available so that emergency calls will be given prompt attention.</p> <p>Each utility shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up to date and checked periodically to determine if adjustments are necessary to maintain proper balance in all groups.</p>	<p style="text-align: center;">Repeal</p>	<p style="text-align: center;">Amend</p> <p>Each utility shall employ reasonable engineering and administrative procedures to determine the adequacy of service being provided to the customer. Traffic studies shall be made and records maintained to the extent and frequency necessary to determine that sufficient equipment and an adequate operating force are provided during the busy hour, busy season. Each telephone utility shall provide emergency service in all exchanges operated in which regular service is not available at certain periods during the 24 hours of the day. When service is not continuous for the full 24-hour day, proper arrangements shall be made for handling emergency calls during the off periods by the use of alarms maintained in proper conditions with someone conveniently available so that emergency calls will be given prompt attention.</p> <p>Each utility shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up to date and checked periodically to determine if adjustments are necessary to maintain proper balance in all groups.</p>	<p style="text-align: center;">Amend</p> <p>Each utility shall employ reasonable engineering and administrative procedures to determine the adequacy of service being provided to the customer. Traffic studies shall be made and records maintained to the extent and frequency necessary to determine that sufficient equipment and an adequate operating force are provided during the busy hour, busy season. Each telephone utility shall provide emergency service in all exchanges operated in which regular service is not available at certain periods during the 24 hours of the day. When service is not continuous for the full 24-hour day, proper arrangements shall be made for handling emergency calls during the off periods by the use of alarms maintained in proper conditions with someone conveniently available so that emergency calls will be given prompt attention.</p> <p>Each utility shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up to date and checked periodically to determine if adjustments are necessary to maintain proper balance in all groups.</p>

Rule	Consumer Coalition	CenturyLink	MTA	CTC/Frontier
<p>7810.5000 <i>Utility Obligations</i></p>	<p>Retain</p>	<p>Amend</p> <p>Each telephone utility <u>telecommunications provider</u> shall provide telephone service to the public in its service area in accordance with its rules and tariffs on file with the commission. Such service shall meet or exceed the standards set forth in this chapter. Each telephone utility <u>telecommunications provider</u> has the obligation of continually reviewing its operations to assure the furnishing of adequate service.</p> <p>Each telephone utility shall maintain records of its operations in sufficient detail as is necessary to permit such review and such records shall be made available for inspection by the commission upon request at any time within the period prescribed for retention of such records. Each utility shall make measurements to determine the level of service for each item included in these rules. Each utility shall provide the commission or its staff with the measurements and summaries thereof for any of the items included herein on request of the commission or its staff. Records of these measurements and summaries shall be retained by the utility as specified by the commission.</p> <p>Where a telephone utility is generally operated in conjunction with any other enterprise, suitable records shall be maintained so that the results of the telephone operation may be determined upon reasonable notice and request by the commission.</p>	<p>Amend</p> <p>Each telephone utility shall provide telephone service to the public in its service area in accordance with its rules and tariffs on file with the commission. Such service shall meet or exceed the standards set forth in this chapter. Each telephone utility has the obligation of continually reviewing its operations to assure the furnishing of adequate service.</p> <p>Each telephone utility shall maintain records of its operations in sufficient detail as is necessary to permit such review and such records shall be made available for inspection by the commission upon request at any time within the period prescribed for retention of such records. Each utility shall make measurements to determine the level of service for each item included in these rules. Each utility shall provide the commission or its staff with the measurements and summaries thereof for any of the items included herein on request of the commission or its staff. Records of these measurements and summaries shall be retained by the utility as specified by the commission.</p> <p>Where a telephone utility is generally operated in conjunction with any other enterprise, suitable records shall be maintained so that the results of the telephone operation may be determined upon reasonable notice and request by the commission.</p>	<p>Retain</p>

<u>Rule</u>	<u>Consumer Coalition</u>	<u>CenturyLink</u>	<u>MTA</u>	<u>CTC/Frontier</u>
7810.5100 <i>Telephone Operators</i>	<p style="text-align: center;">Amend</p> <p>Suitable practices shall be adopted by each telephone utility concerning the operating methods to be employed by regarding service provided by operators with the objective of providing efficient and pleasing service to the customers. Telephone operators shall be instructed to be courteous, considerate, and efficient in the handling of all calls, and to comply with the provisions of the Communications Act of 1934 in maintaining the secrecy of communications. All operator-handled calls shall be carefully supervised and disconnects made promptly. When an operator is notified by a customer that the customer has reached a wrong number on a direct-dialed call, the customer shall be given a bill credit when the claim has been substantiated.</p>	<p style="text-align: center;">Repeal</p>	<p style="text-align: center;">Repeal</p>	<p style="text-align: center;">Amend</p> <p>Suitable practices shall be adopted by each telephone utility concerning the operating methods to be employed by operators with the objective of providing efficient and pleasing service to the customers. Telephone operators shall be instructed to be courteous, considerate, and efficient in the handling of all calls, and to comply with the provisions of the Communications Act of 1934 in maintaining the secrecy of communications. All operator-handled calls shall be carefully supervised and disconnects made promptly. When an operator is notified by a customer that the customer has reached a wrong number on a direct-dialed call, the customer shall be given a bill credit when the claim has been substantiated.</p>

Rule	Consumer Coalition	CenturyLink	MTA	CTC/Frontier
<p>7810.5200 <i>Answering Time</i></p>	<p>Retain</p>	<p>Repeal</p>	<p>Amend</p> <p><u>Calls to the repair service center by retail residential customers will be on hold no more than an average of 120 seconds after the last menu option is selected by the customer. A repair service representative will accept the information needed to begin processing the call and direct the caller to the appropriate personnel. Compliance shall be determined by a 12 month statewide average for residential customer repair calls.</u></p> <p>Adequate forces shall be provided at local manual offices in order to assure that 95 percent of the calls will be answered within ten seconds. Ninety percent of repair service calls, calls to the business office, and other calls shall be answered within 20 seconds.</p> <p>An "answer" shall mean that the operator or representative is ready to render assistance and/or ready to accept information necessary to process the call. An acknowledgment that the customer is waiting on the line shall not constitute an answer.</p>	<p>Amend</p> <p>Adequate forces shall be provided at local manual offices in order to assure that 95 percent of the calls will <u>Eighty percent of repair service calls, calls to the business office, and other calls shall</u> be answered within ten <u>20</u> seconds. <u>Alternatively, the average answer time for repair service calls, calls to the business office, and other calls shall be 60 seconds or less.</u></p> <p>An "answer" shall mean that the operator or representative is ready to render assistance and/or ready to accept information necessary to process the call. An acknowledgment that the customer is waiting on the line shall not constitute an answer.</p>

<u>Rule</u>	<u>Consumer Coalition</u>	<u>CenturyLink</u>	<u>MTA</u>	<u>CTC/Frontier</u>
7810.5300 <i>Dial Service Requirements</i>	Retain	Repeal	Repeal	Repeal
7810.5400 <i>Interoffice Trunks</i>	Retain	Repeal	Retain	Repeal
7810.5500 <i>Transmission Requirements</i>	Retain	Amend Telephone utilities providers shall furnish and maintain adequate plant, equipment, and facilities to provide satisfactory transmission of communications between customers in their service areas. Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and cross talk shall be such as not to impair communications.	Retain	Retain

<u>Rule</u>	<u>Consumer Coalition</u>	<u>CenturyLink</u>	<u>MTA</u>	<u>CTC/Frontier</u>
<p>7810.5800 <i>Interruptions of Service</i></p>	<p style="text-align: center;">Amend</p> <p>Each telephone utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall reestablish service with the shortest possible delay.</p> <p>The minimum objective should be to clear 95 percent of all out-of-service troubles within 24 hours of the time such troubles are reported.</p> <p>In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each utility shall attempt to notify each affected customer in advance of the interruption. Emergency service shall be available, as required, for the duration of the interruption.</p> <p>Every telephone utility shall inform the commission, as soon as possible, of any major catastrophe such as that caused by fire, flood, violent wind storms, or other acts of God which apparently will result in prolonged and <u>or</u> serious interruption of service to a large number of customers.</p>	<p style="text-align: center;">Amend</p> <p>Each telephone utility <u>Each telecommunications provider</u> shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility <u>telecommunications provider</u> shall reestablish service with the shortest possible delay.</p> <p>The minimum objective should be to clear 95 percent of all out-of-service troubles within 24 hours of the time such troubles are reported.</p> <p>In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each utility shall attempt to notify each affected customer in advance of the interruption. Emergency service shall be available, as required, for the duration of the interruption.</p> <p>Every telephone utility <u>Each telecommunications provider</u> shall inform the commission, as soon as possible, of any major catastrophe such as that caused by fire, flood, violent wind storms, or other acts of God which apparently will result in prolonged and serious interruption of service to a large number of customers.</p>	<p style="text-align: center;">Amend</p> <p>Each telephone utility <u>Each telecommunications provider</u> shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility <u>telecommunications provider</u> shall reestablish service with the shortest possible delay.</p> <p>The minimum objective should be to clear 95 percent of all out-of-service troubles within 24 hours of the time such troubles are reported.</p> <p>In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each utility shall attempt to notify each affected customer in advance of the interruption. Emergency service shall be available, as required, for the duration of the interruption.</p> <p>Every telephone utility <u>Each telecommunications provider</u> shall inform the commission, as soon as possible, of any major catastrophe such as that caused by fire, flood, violent wind storms, or other acts of God which apparently will result in prolonged and <u>or</u> serious interruption of service to a large number of customers.</p>	<p style="text-align: center;">Amend</p> <p>Each telephone utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall reestablish service with the shortest possible delay <u>as soon as practicable</u>.</p> <p>The minimum objective should be to clear 95 <u>85</u> percent of all out-of-service troubles within 24 hours of the time such troubles are reported, <u>or by the date of a repair appointment established with the customer</u>.</p> <p>In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each utility shall attempt to notify each affected customer in advance of the interruption. Emergency service shall be available, as required, for the duration of the interruption.</p> <p>Every telephone utility shall inform the commission, as soon as possible, of any major catastrophe such as that caused by fire, flood, violent wind storms, or other acts of God which apparently will result in prolonged and serious interruption of service to a large number of customers.</p>

<u>Rule</u>	<u>Consumer Coalition</u>	<u>CenturyLink</u>	<u>MTA</u>	<u>CTC/Frontier</u>
<p>7810.5900 <i>Customer Trouble Reports</i></p>	<p style="text-align: center;">Amend</p> <p>Arrangements shall be made to receive customer trouble reports 24 hours daily and to clear trouble of an emergency nature at all hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.</p> <p>Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date, and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the commission or its authorized representatives upon request at any time within the period prescribed for retention of such records.</p> <p>It shall be the objective to so maintain service that the average rate of all customer trouble reports in an exchange is no greater than 6.5 <u>5</u> per 100 telephones per month. A customer trouble report rate of more than 8.0 per 100 telephones per month by repair bureau on a continuing basis indicates a need for investigative or corrective action.</p>	<p style="text-align: center;">Repeal</p>	<p style="text-align: center;">Amend</p> <p>Arrangements shall be made to receive customer trouble reports 24 hours daily and to clear trouble of an emergency nature at all hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.</p> <p>Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date, and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the commission or its authorized representatives upon request at any time within the period prescribed for retention of such records.</p> <p>It shall be the objective of all <u>telecommunications providers</u> to so maintain service <u>so</u> that the <u>statewide</u> average rate of all <u>retail</u> customer trouble reports in an exchange is no greater than 6.5 per 100 telephones per month. A customer trouble report rate of more than 8.0 per 100 telephones per month by repair bureau on a continuing basis indicates a need for investigative or corrective action.</p>	<p style="text-align: center;">Amend</p> <p>Arrangements shall be made to receive customer trouble reports 24 hours daily and to clear trouble of an emergency nature at all hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.</p> <p>Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date, and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the commission or its authorized representatives upon request at any time within the period prescribed for retention of such records.</p> <p>It shall be the objective to so maintain service that the average rate of all customer trouble reports in an exchange is no greater than 6.5 <u>5</u> per 100 telephones per month. A customer trouble report rate of more than 8.0 per 100 telephones per month by repair bureau on a continuing basis indicates a need for investigative or corrective action.</p>

<u>Rule</u>	<u>Consumer Coalition</u>	<u>CenturyLink</u>	<u>MTA</u>	<u>CTC/Frontier</u>
7810.6000 <i>Protective Measures</i>	Retain	Repeal	Repeal	Retain
7810.6100 <i>Safety Program</i>	Retain	Retain	Retain	Repeal