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November 14, 2016

VIA ELECTRONIC FILING

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
Saint Paul, Minnesota 55101

Re: 911 Plan for Charter Fiberlink CCO, LLC;
MPUC Docket No. P6716/EP-16-757

Dear Mr. Wolf:

Enclosed is the Reply Comments of Charter Fiberlink CCO, LLC in connection with the above-referenced matter. Please file these Reply Comments in your usual fashion.

If you have any questions regarding the foregoing, please contact the undersigned.

Sincerely,

A handwritten signature in blue ink that reads 'Kennard B Woods' in a cursive script.

Kennard B. Woods
Counsel for Charter Fiberlink CCO, LLC

KBW/nh

Enc.

cc: Charter Fiberlink CCO, LLC
(with enclosure)
Charles A. Hudak, Esq.
(without enclosure)

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

911 Plan for Charter Fiberlink CCO, LLC)	Docket No. P6716/EP-16-757
)	
911 Plan for Charter Fiberlink CC VIII, LLC)	Docket No. P5615/EP-16-758

**REPLY COMMENTS OF CHARTER FIBERLINK CCO, LLC AND
CHARTER FIBERLINK CC VIII, LLC**

/s/ Charles A. Hudak

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November 14, 2016

Charter Fiberlink CCO, LLC, and Charter Fiberlink CC VIII, LLC (collectively, “Charter Fiberlink”) hereby reply to the November 1, 2016 Comments submitted by the Department of Commerce (the “DOC”) in the above-captioned proceedings.

On September 14, 2016, Charter Fiberlink submitted its annual update to its 911 Plan. Both the Metropolitan Emergency Services Board and the Minnesota Department of Public Safety, Division of Emergency Communications Networks filed reply comments stating that they have no objection to the updated 911 Plan.

The Department of Commerce filed reply comments recommending that the 911 Plan be approved “contingent upon the company fulfilling the following conditions: Filing a Telephone Assistance Plan (TAP) Reporting Form for the year 2014 or 2015 within the deadline established by the TAP rules.”

However, Charter Fiberlink has in fact filed TAP Reporting Forms in both 2014 and 2015—a fact that the DOC is aware of. Although it is not clear from the DOC’s comments, the DOC’s real objection is not that Charter Fiberlink failed to file TAP Reporting Forms. The DOC’s real objection is that Charter Fiberlink filed TAP Reporting Forms showing that it does not provide any services to customers who are subject to the TAP surcharge. The DOC has contested this characterization, arguing that Charter Fiberlink’s forms (and remittances) should account for and reflect the interconnected VoIP services provided by its affiliates, Charter Advanced Services (MN), LLC and Charter Advanced Services VIII (MN), LLC (collectively, “Charter Advanced Services”).

The DOC filed a complaint with the PUC contending that Charter Advanced Services’ VoIP offerings are subject to the PUC’s jurisdiction. Docket No. P6716, 5615/C-14-383 (the “VoIP Docket”). Charter Advanced Services takes the position that they are not. Although the

PUC ruled that interconnected VoIP is subject to its jurisdiction, the issue is now before a federal court. See *Charter Advanced Services (MN), LLC v. Heydinger*, Case No. 15-cv-03935-SRN-HB (D. Minn.)(the “Federal Litigation”).

The DOC’s objection to the 911 Plan in this docket is misplaced for two reasons. First, Charter Fiberlink and Charter Advanced Services are separate entities. So even if Charter Advanced Services’ VoIP customers were subject to the TAP surcharge, Charter Fiberlink’s TAP reporting would still be correct. Second, and more importantly, the Federal Litigation will answer the question of whether the interconnected VoIP service provided by Charter Advanced Services is subject to the PUC’s jurisdiction. If the federal court rules that interconnected VoIP is subject to the PUC’s jurisdiction, then Charter *Advanced Services* (not Charter Fiberlink) will comply with the PUC’s TAP reporting requirements. And if the federal court rules that the PUC does not have jurisdiction over interconnected VoIP, there will be no need for Charter Advanced Services to comply with the reporting requirements.

As a result, the content of Charter *Fiberlink*’s TAP reporting is irrelevant to the present docket, and the PUC should approve Charter Fiberlink’s 911 Plan.

Dated: November 14, 2016

Respectfully submitted,

/s/ Charles A. Hudak

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STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger	Chair
Matt Schuerger	Commissioner
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
John Tuma	Commissioner

911 Plan for Charter Fiberlink CCO, LLC)	Docket No. P6716/EP-16-757
)	
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CERTIFICATE OF SERVICE

STATE OF GEORGIA)
)ss
COUNTY OF DEKALB)

Kennard B. Woods, being first duly sworn, hereby states that on the 14th day of November, 2016, the foregoing Reply Comments were served on the attached list of persons by electronic mail or by depositing a true and correct copy thereof via U.S. Mail, first class postage prepaid.

/s/ Kennard B. Woods

SWORN TO BEFORE ME this
14th day of November, 2016

/s/ Nicola Haynes
NOTARY PUBLIC
My Commission Expires Sept. 22, 2020

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