

STATE OF MINNESOTA

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger  
Nancy Lange  
Dan Lipschultz  
John Tuma  
Betsy Wergin

Chair  
Commissioner  
Commissioner  
Commissioner  
Vice Chair

In the Matter of a Petition of Lake County  
Minnesota for Designation as an Eligible  
Telecommunications Carrier

Docket No. M-15-65

**REPLY COMMENTS OF LAKE COUNTY MINNESOTA**

Lake County Minnesota d/b/a Lake Connections (“Lake County”) respectfully submits these reply comments in response to comments filed by the Minnesota Department of Commerce (“DOC”) and Citizens Telecommunications Company of Minnesota, LLC (“Citizens”).

**DISCUSSION**

**I. The Commission’s Order And Lake County’s Compliance Filing**

The Commission’s Order conditionally granted Lake County’s petition for Eligible Telecommunications Carrier (“ETC”) designation. *See In the Matter of the Petition of Lake County Minnesota, d/b/a Lake Connections for ETC Designation in Minnesota, ORDER GRANTING PETITION SUBJECT TO CONDITIONS AND REQUIRING COMPLIANCE FILING, MPUC Docket No. P-6944/M-15-65 (July 27, 2015) (“Order”).* The conditions the Commission imposed generally fall into four areas: 1) a clear acknowledgment that Lake County will be the responsible party and the Commission point of contact for ETC requirements; 2) requirements related to the contract between Lake County and Lake Communications; 3) requirements related to updating the service area maps; and 4) requirements relating to Lake County’s ETC obligations, including advertising plan, web pages to be updated, and the

obligation to notify the DOC and the Commission should Lake County be unable to serve a Lifeline-qualified customer.

Lake County submitted its compliance filing addressing each of the items required by the Commission's Order. That compliance filing included: 1) a Transport Agreement entered into between Lake County and Lake Communications setting forth terms under which Lake Communications would provide telephony service over the Lake County broadband network (addressing Ordering Paragraph Nos. 1 and 2 of the Commission's Order); a detailed map and listing of census blocks reflecting Lake County's service area (Ordering Paragraph No. 3); 3) a formal advertising plan (Ordering Paragraph 4a); 4) a certification executed on behalf of Lake County (Ordering Paragraphs 4b-4g).

**II. DOC Comments**

The DOC performed a detailed analysis of the Order and Lake County's compliance with each aspect of the Order. DOC found that Lake County complied with all aspects of the Order except with respect to advertising, where it found the website was potentially misleading for customers seeking stand-alone telephone service.

**III. Citizens Comments**

Citizens' comments argued that Lake County's compliance filing was deficient in two respects. First, Citizens contends that the contract between Lake County and Lake Communications does not adequately delineate Lake County's responsibilities and those of Lake Communications in the manner required by the Commission's Order. Second, Citizens argued that the Lake County website is incorrect as it relates to rates for telephone service.

#### **IV. Lake County Reply To DOC And Citizens**

Lake County agrees with DOC and Citizens that its website did not reflect the stand-alone telephone rates effective in the Lake Communications tariff. Lake County and Lake Communications have modified their web pages to correctly reflect the rates for stand-alone telephone service (\$13.60/month). Screenshots of the revised web pages accompany these comments.

Lake County does not agree with Citizens' criticisms of the Transport Agreement. Citizens asserts that certain provisions of the Transport Agreement are inconsistent with the requirement that Lake County be legally and financially responsible for providing supported service. Lake County has entered into a contractual relationship under which Lake Communications will provide telephone service using Lake County's broadband network. Accordingly the Transport Agreement describes the rights and responsibilities, as between Lake County and Lake Communications – the parties to the Agreement – relating to daily operational services. As the Commission has already correctly held, such an arrangement is consistent with both federal and state law. *See* Order at p. 6.

As required by the Commission's Order, the Transport Agreement acknowledges that, by virtue of its designation as an ETC, Lake County remains the entity that is legally and financially responsible for providing the supported services. See Transport Agreement, Section 3.1. The provisions that Citizens has cited provide for an apportionment of responsibility as between Lake County and Lake Communications. In the event that a dispute arises between Lake County and Lake Communications, the terms of the Transport Agreement will inform the resolution of that dispute between the parties to the Agreement. Those terms do not alter, or purport to alter, Lake County's ultimate responsibility to this Commission for regulatory compliance.

Also off base is Citizens' claim that the Transport Agreement is inconsistent with Minn. R. part 7812.0700, subp. 4. That rule provides that: "An LSP is directly responsible to its customers for the quality of service provided to those customers. Nothing in this subpart may be interpreted or applied to impact the allocation of liability between two or more telecommunications service providers in connection with quality of service issues." Here, Lake Communications is the local service provider and is responsible, pursuant to its certificate of authority, for compliance with the Commission's rules that are applicable to its service. That the Transport Agreement provides that Lake County, as the provider of broadband network, and Lake Communications, as the provider of telephone service over that network, will cooperate to address customer service issues is in no way inconsistent with the rule regarding Lake Communications' responsibility to customers for service quality. Indeed, such cooperation is necessary to Lake Communications' ability to maintain customer service quality.

### **CONCLUSION**

With the correction of its web pages, Lake County believes it has complied with all requirements specified in the Commission Order. Accordingly, Lake County respectfully requests that the Commission issue an order finding that Lake County has satisfied all conditions to its designation as an Eligible Telecommunications Carrier.

Dated: September 28, 2015

**GRAY, PLANT, MOOTY,  
MOOTY & BENNETT, P.A.**

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SERVICE STARTING AT  
**\$13.60** FOR UNBUNDLED SERVICE  
**\$29.99** FOR BUNDLED SERVICE

## VOICE [HOME]

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Telephone service with LCI Connections is the cleanest and most reliable service available in the area. If you want local service delivered at an amazing price, then look no further. Our basic, stand alone service starts at just \$13.60\* per month.

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For Bundled Local Services Rates, click here

For a list of long distance calling rates, click here

For a copy of our Voicemail User Guide, click here

For information about Minnesota Relay Services, click here

For information on our Telephone Discount Programs, click here

Feature Access Codes

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*\*List prices do not include taxes, installation charges, or additional fees that may apply*



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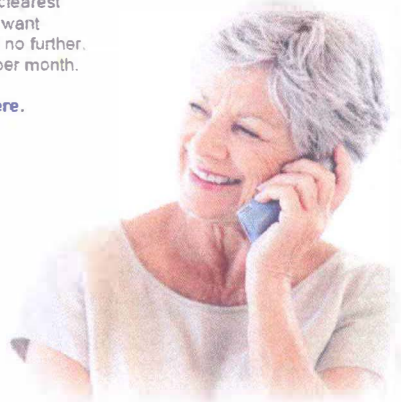
Talk more for less with a secure, reliable connection.

## How do you like the sound of that?

Telephone service with Lake Communications is the clearest and most reliable service available in the area. If you want local service delivered at an amazing price, then look no further. Our basic, stand alone service starts at just \$13.60\* per month.

For a list of our standard calling features, [click here](#).

-  **Unbundled Local Services**
-  **Bundled Local Services**
-  **Optional Voice Features**
-  **Long-Distance Calling**
-  **Minnesota Relay Services**
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[Federal Poverty Income Guidelines](#)

\*List prices do not include taxes, installation charges, or additional fees that may apply.

## CERTIFICATE OF SERVICE

I, William Castleberry, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, email, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at Minneapolis, Minnesota.

**Reply Comments of Lake County Minnesota**

**Re: Docket No. M-15-65**

Dated this 28th day of September, 2015.

s/William Castleberry  
William Castleberry