

February 4, 2021

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place E. Suite 350
St. Paul, MN 55101-2147

RE: Petition of Big River Telephone Company, LLC for an Amended Certificate of Authority to Expand Service Area
Docket No: P6652/SA-21-82

Dear Mr. Seuffert:

Attached are comments of the Department of Commerce concerning the Petition of Big River Telephone Company, LLC (Big River) for an Amended Certificate of Authority to Expand Service Area.

The petition was filed on January 26, 2021 by:

Kevin Keaveny, Chief Technical Officer
Big River Telephone Company, LLC
24 South Minnesota Avenue
Cape Girardeau, MO 63702

The Department recommends that the Commission grant approval of the petition, with conditions, and is available to answer any questions the Commission may have.

Sincerely,

/s/ DIANE DIETZ
Public Utilities Rate Analyst

DD/ja
Attachment



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce

Petition of Big River Telephone Company, LLC for an Amended Certificate of Authority to Expand Service Area

Docket No: P6652/SA-21-82

I. BACKGROUND

A. CURRENT PETITION

On January 26, 2021, Big River Telephone Company, LLC filed an application to amend its existing certificate of authority to allow the Company to provide local exchange services in the municipality of Red Lake Falls. Big River's application falls under Minn. Rules pt. 7812.0300, subp. 5 and Minn. Stat. §237.16, subd. 4.

B. FACTUAL BACKGROUND OF CASE

On December 18, 2007, the Commission granted Big River Telephone Company, LLC a certificate of authority to provide facilities-based local exchange and interexchange services in multiple exchanges of the following incumbent local exchange carriers, in Docket No P6652/NA-07-1196:¹ Qwest dba CenturyLink, CenturyTel of Minnesota, Citizens Telecommunications of Minnesota, Melrose Telephone company, Sherburne County Rural Telephone Company, Benton Cooperative Telephone Company, Embarq Minnesota, and Frontier Communications of Minnesota.

Big River's initial 911 plan, required for operational authority to provide local service, was approved by the Commission in its November 24, 2008 Order in Docket No. P6652/EP-08-1234.

In various other dockets, Big River received Commission approval of interconnection agreements with the following incumbent local exchange carriers: Qwest dba CenturyLink, CenturyTel of Minnesota, Citizens Telecommunications of Minnesota, Melrose Telephone company, Benton Cooperative Telephone Company, Garden Valley Telephone Company, Albany Telephone Company, Lonsdale Telephone Company, Upsala Telephone Company, Wikstrom Telephone Company, Sherburne County

¹ For the list of exchanges approved in Big River's original certification, see December 19, 2007 Order in Docket No. P6652/NA-07-1196, which includes Department's December 4, 2007 Comments. List of exchanges is included in Attachment A to DOC Comments.

<https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=showPoup&documentId={54EECEBD-1C22-4184-A426-D0D3DCA0961C}&documentTitle=4873757>

Rural Telephone Company dba Connections, Consolidated Telephone Company, Lakedale Telephone Company (now Windstream Lakedale, Inc.), Scott-Rice Telephone Company dba Nuvera Communications, Melrose Telephone Company dba Arvig, and Embarq Minnesota.

II. ISSUE

1. Whether the Commission should grant an amended certificate of authority to Big River Telephone Company, LLC.

III. LEGAL REFERENCES

A. SERVICE AREA EXPANSION

Minnesota Statutes section 237.16, subdivision 4 mandates that local service providers obtain an amended certificate of authority before expanding their service areas. Minnesota Statutes section 237.16, subdivision 4 states that notice of the filing shall be served on any affected municipality and local telephone company certified in that territory.

Minnesota Rule part 7812.0300, subpart 4 states that the Commission may grant conditional certification to operate as a local exchange carrier pending submission and Commission approval of tariffs and intercompany agreements necessary for providing the proposed services.

Minnesota Rule part 7812.0300, subpart 5, describes the requirements and the decision criteria for granting an amendment to a certificate of authority for a change in service area. Minnesota Rule part 7812.0300, subpart 5 states that a petition to modify a local service provider's service area must include a revised map and descriptive narrative delineating the petitioner's proposed service area changes. The Commission has accepted a narrative delineating the proposed service area change in lieu of a revised map.

The petition must be served on the parties identified in Minnesota Rule part 7812.0200, subpart 6. A petition to expand the service area of an existing certificate of authority is deemed approved within 20 days of the petition's service date unless the petition involves an acquisition under Minnesota Statutes section 237.23 or an objection to the petition is filed within 20 days of the petition's service date.

Minnesota Rule part 7812.0550, subpart 1 requires a competitive local exchange carrier to obtain Commission approval of a comprehensive 911 plan before providing local service in an area. The competitive local exchange carrier must serve the plan on the Department of Commerce, the Office of the Attorney General's Residential Utilities Division, the Department of Administration, and if the carrier proposes to serve within the metropolitan area, the Executive Director of the Metropolitan 911 Board. Minnesota Rule part 7812.0550, subpart 3 establishes the requirements for a 911 plan.

IV. ANALYSIS

Big River's request to amend the certificate of authority fulfills the requirements of Minnesota Statutes section 237.16, subdivision 4 and Minnesota Rule part 7812.0300, subpart 5. The proposal includes a narrative description of its proposed service area change. Big River has indicated that the filing was served on the parties listed in Minnesota Rule part 7812.0200, subpart 6. Furthermore, the filing does not involve an acquisition under Minnesota Statutes section 237.23 and the Department is not aware of any objections to the petition. The Department notes that Big River has filed and received Commission approval of an interconnection agreement with Garden Valley Telephone Company on September 24, 2008 in Docket No. P6652, P409/IC-08-1008.

Before Big River becomes operational in the expanded calling area, the Company must file any necessary updates to its 911 plan and tariff.

Contingent upon the appropriate filings of its 911 plan and its tariff, Big River appears to have met the conditions for expansion of authority laid out in Minn. Stat. § 237.16, sub. 4 and Minn. Rules § 7811.0300, sub. 5.

V. COMMISSION OPTIONS

The Commission may choose to:

1. Grant Big River's petition without conditions;
2. Grant Big River's petition to serve the municipality of Red Lake Falls conditioned upon Commission approval of any necessary updates to its 911 plan and tariff, which incorporate the affected exchange.

VI. DEPARTMENT RECOMMENDATION

The Department recommends that the Commission adopt alternative 2.

/ja

CERTIFICATE OF SERVICE

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

Minnesota Department of Commerce
Comments

Docket No. P6652/SA-21-82

Dated this 5th day of **February 2021**

/s/Sharon Ferguson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_21-82_SA-21-82
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-82_SA-21-82
Dan	Craigie	daniel.craigie@state.mn.us	Department of Public Safety	445 Minnesota St. Suite 1725 St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-82_SA-21-82
David	Denton	david.denton@state.mn.us	DPS ECN	445 Minnesota Street Suite 137 St. Paul, Minnesota 55101	Electronic Service	No	OFF_SL_21-82_SA-21-82
Pete	Eggimann	PEGGIMANN@MN-MESB.ORG	Metropolitan Emergency Services Board	2099 University Ave W Ste 201 St. Paul, MN 551043431	Electronic Service	No	OFF_SL_21-82_SA-21-82
Brian	Grunhovd	brian.grunhovd@gvtel.net	Garden Valley Telephone Company d/b/a Garden Valley Technologies	201 Ross Ave Erskine, MN 56535	Electronic Service	No	OFF_SL_21-82_SA-21-82
Kevin	Keaveny	kkeaveny@bigrivercom.com	Big River Communications, LLC	24 S. Minnesota Ave cape girardeau, MO 63701	Electronic Service	No	OFF_SL_21-82_SA-21-82
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_21-82_SA-21-82
Alice	RobertsDavis	admin.info@state.mn.us	Department of Administration	15 Sherburne Avenue St. Paul, MN 55155	Electronic Service	No	OFF_SL_21-82_SA-21-82
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-82_SA-21-82

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Dana	Wahlberg	dana.wahlberg@state.mn.us	Department of Public Safety	Town Square Ste 137 444 Cedar St St. Paul, MN 551015126	Electronic Service	No	OFF_SL_21-82_SA-21-82