

Minnesota Public Utilities Commission
Staff Briefing Papers

Meeting Date: April 17, 2015 *Agenda Item # _____

Company: **All Telecommunications Utilities**

Docket No. **P-999/R-13-459**

In the Matter of Possible Amendments to Rules Concerning White Pages
Directory Publication and Distribution

Issue: Should the Commission adopt the proposed rules?

Staff: Christopher Moseng.....651-201-2223

I. Relevant Documents

Proposed Rules published in the *State Register* January 20, 2015
Comments, Minnesota Cable Communications Association February 19, 2015
Comments, CenturyLink February 19, 2015
Comments, Dex Media East, Inc. February 19, 2015
Comments, Windstream Communications, Inc. February 19, 2015

The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

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II. Background

On October 14, 2013 the Commission requested public comments on possible changes to rules governing white pages directory distribution. Commission rules currently require delivery of a printed white pages directory to each customer of a local service provider, except where an offer for a directory is made and explicitly refused by the customer.¹ Recently, parties have requested that the Commission vary this rule, in part because the economic and environmental burden of requiring printed directories may outweigh the directories' usefulness.

The Commission drafted possible amendments to update the requirement that local service providers deliver telephone directories by reasonably allowing publication of electronic directories to satisfy the directory requirement. After revising the draft in response to two rounds of public comments, the Commission published proposed rules along with a Notice of Intent to Adopt in the *State Register* on January 20, 2015. During the subsequent comment period, four participants filed formal comments.

The proposed rules would allow local service providers to provide electronic or paper directories to satisfy the directory requirement, but would require providers to provide paper directories to customers that request one.

III. Public Comments

Three commenting participants, Dex Media East, CenturyLink, and Windstream, Inc. supported the proposed rules as drafted and recommended that they be adopted. The Department of Commerce did not file comments, but indicated when the Commission decided to publish proposed rule language that they had no remaining objections.

The Minnesota Cable Communications Association (MCCA) supported the need to revise the rules, but recommended that the Commission make changes to the rule before adoption.

The MCCA raised two objections to the proposed rule: (1) they argued that the proposed rule should require local service providers to cooperate to assemble directory listings, and (2) they disputed the public need or benefit of the rule's requirement for directories that encompass the "local calling area."

The Commission also received informal inquiries from individuals who were concerned that the Commission proposed to end directory distribution. Staff clarified that the proposal would still require local service providers to compile, publish, and distribute directories, and received no indication that the individuals remained concerned.

¹ Minn. R. 7810.2900, 7811.0600, and 7812.0600.

IV. Staff Discussion

Staff does not recommend further changes to the rule prior to adoption.

The first recommendation offered by the MCCA, to more expressly require cooperation among local service providers, was considered earlier in this rulemaking proceeding and not incorporated into the proposed rule. As the MCCA acknowledged in their comments, “[w]hile current interconnection agreements are in effect,” there is no need for the recommended provisions in the rule. Federal regulations gave rise to interconnection agreements that ensure nondiscriminatory access to directory information.² Accordingly, additional requirements in Minnesota rules are not needed at this time. There is no indication in the record that the applicable federal regulations are likely to change soon.

Secondly, the requirement that directories be assembled for the “local calling area” is unchanged from the existing rule. This provision continues to be needed and reasonable. The value of a telephone directory is closely related to its comprehensiveness—the more listings it contains, the more useful it is. The Commission has previously recognized the local calling area as a reasonable scope for a useful telephone directory, and there is nothing in the record of this rulemaking to suggest that the need or reasonableness of this requirement has changed.

V. Next Steps

The next steps in this rulemaking are to send a Commission-approved draft to the Governor’s Office for final approval, and then to the Office of Administrative Hearings (OAH) for final review. Unless the OAH suggests substantive changes, staff will file the rules with the Secretary of State and then publish the final draft in the *State Register*. The rules will have the force and effect of law five days after publication.

If the Office of Administrative Hearings recommends any substantive change, staff will bring the rules back to the Commission for formal action. Otherwise, staff will report to Commissioners when these processes are complete.

VI. Commission Options

- A. Approve the attached rule draft and authorize staff to take the necessary steps to continue the rulemaking process and finalize adoption of the rule. Delegate to Commissioner Wergin authority to make necessary, non-substantive edits to the rule that may be required after OAH’s review pursuant to Minn. R. 1400.2310.
- B. Take other action as the Commission deems appropriate.

VII. Staff recommends Option A.

² 47 C.F.R. § 51.217 (2015); *see also* Comments of Minnesota Cable Communications Association, 3 – 7 (Feb. 19, 2015).

1.1 **Public Utilities Commission**

1.2 **Adopted Permanent Rules Relating to Residential White Pages Directory Publication**
1.3 **and Distribution**

1.4 **7810.0100 DEFINITIONS.**

1.5 [For text of subps 1 to 11, see M.R.]

1.6 Subp. 11a. **Complete directory.** "Complete directory" means a directory that
1.7 includes the information compiled under part 7810.2900, subpart 1, whether printed,
1.8 electronically published, or some combination thereof. For example, a complete directory
1.9 may comprise of a printed subset of exchanges in a local calling area relevant to customers
1.10 in a particular geographic area or community of interest and publication of the remainder
1.11 of the local calling area either electronically or in separate printed volumes.

1.12 [For text of subps 12 to 26, see M.R.]

1.13 Subp. 26a. **Local service provider or LSP.** "Local service provider" or "LSP"
1.14 means a telephone company or telecommunications carrier providing local service in
1.15 Minnesota pursuant to a certificate of authority granted by the commission. Local service
1.16 provider includes both local exchange carriers and competitive local exchange carriers.

1.17 [For text of subps 27 to 40, see M.R.]

1.18 **7810.2900 FORMAT, CONTENT, AND DISTRIBUTION OF DIRECTORIES.**

1.19 Subpart 1. **Basic requirements.** Telephone directories shall be regularly compiled,
1.20 and shall contain each customer's name, telephone number, and, if practical, address,
1.21 except public telephones and numbers unlisted at the customer's request. Upon issuance, a
1.22 local service provider shall provide to all customers served by that directory a complete
1.23 directory consistent with the customer option provisions of part 7810.2950. Upon
1.24 commission request, a local service provider shall furnish to the commission a copy of
1.25 each directory issued, whether printed or electronic.

2.1 Subp. 2. **Printed directories.** Printed directories shall:

2.2 A. display on the front cover the name of the local service provider, the area
2.3 included in the directory, and the year and month of issue;

2.4 B. display in the front portion of the directory information pertaining to
2.5 emergency calls, including information for police and fire departments; and

2.6 C. contain instructions, appropriate to the area served by the directory,
2.7 concerning placing local and long distance calls, calls to repair and directory assistance
2.8 services, calls to local, state, and federal government offices, and the location of local
2.9 service provider business offices.

2.10 Subp. 3. **Electronically published directories.** Any electronic directory a local
2.11 service provider directs its customers to shall comply with subpart 1 and part 7810.2950.

2.12 Electronically published directories shall:

2.13 A. display the name of the local service provider;

2.14 B. display information pertaining to emergency calls, including information
2.15 for police and fire departments;

2.16 C. display instructions concerning placing local and long distance calls, calls
2.17 to repair and directory assistance services, calls to local, state, and federal government
2.18 offices, and the location of local service provider business offices; and

2.19 D. be prominently displayed on and accessible from the company's Web site.

2.20 **7810.2950 DIRECTORIES; CUSTOMER OPTION.**

2.21 A local service provider may publish printed or electronic directories, or some
2.22 combination thereof. A local service provider that does not make an electronic directory
2.23 available shall distribute a printed directory to each customer, except where an offer is
2.24 made and explicitly refused by the customer. A local service provider that publishes an
2.25 electronic directory shall provide, at least as often as print directories are issued, notice

3.1 to customers of the availability of an electronic directory, instructions explaining how
3.2 the electronic directory may be accessed, notice that a printed directory is available on
3.3 request, and instructions explaining how to make a request for a printed directory. A local
3.4 service provider that publishes an electronic directory must deliver a printed directory if
3.5 requested by the customer. A local service provider shall not:

3.6 A. require customers to divulge any personally identifiable information, except
3.7 name and delivery address, in order to request a complete directory that is printed or
3.8 contained on a portable physical electronic medium;

3.9 B. require users to create an account or log in, or otherwise provide any
3.10 personally identifiable information in order to access an electronic directory;

3.11 C. obtain, use, or retain any personally identifiable information from customer
3.12 use of or request for a directory, except for the limited purpose of providing a directory in
3.13 the requested format; or

3.14 D. market services, including through its affiliate or publisher, other than
3.15 directories to requesting customers.

3.16 **7811.0600 BASIC LOCAL SERVICE REQUIREMENTS.**

3.17 Subpart 1. **Required services.** A local service provider (LSP) shall provide, as part
3.18 of its local service offering, the following to all customers within its service area:

3.19 [For text of items A to E, see M.R.]

3.20 F. one complete directory per year for each local calling area, which may
3.21 include more than one local calling area, consistent with the customer option provisions
3.22 of part 7810.2950 and, upon a customer's request and in the customer's preferred format
3.23 among the formats offered by the local service provider, one copy of any other directory
3.24 within the local calling area;

3.25 [For text of items G to K, see M.R.]

4.1 **7812.0600 BASIC SERVICE REQUIREMENTS.**

4.2 Subpart 1. **Required services.** A local service provider (LSP) shall provide, as part
4.3 of its local service offering, the following to all customers within its service area:

4.4 A. single party voice-grade service and touch-tone capability;

4.5 B. 911 or enhanced 911 access;

4.6 C. 1 + intraLATA and interLATA presubscription and code-specific equal access
4.7 to interexchange carriers subscribing to its switched access service;

4.8 D. access to directory assistance, directory listings, and operator services;

4.9 E. toll and information service-blocking capability without recurring
4.10 monthly charges as provided in the commission's ORDER REGARDING LOCAL
4.11 DISCONNECTION AND TOLL BLOCKING CHARGES, Docket No. P-999/CI-96-38
4.12 (June 4, 1996), and its ORDER GRANTING TIME EXTENSIONS AND CLARIFYING
4.13 ONE PORTION OF PREVIOUS ORDER, Docket No. P-999/CI-96-38 (September 16,
4.14 1996), which are incorporated by reference, are not subject to frequent change, and are
4.15 available through the statewide interlibrary loan system;

4.16 F. one complete directory per year for each local calling area, which may
4.17 include more than one local calling area, consistent with the customer option provisions
4.18 of part 7810.2950 and, upon a customer's request and in the customer's preferred format
4.19 among the formats offered by the local service provider, one copy of any other directory
4.20 within the local calling area;

4.21 G. a white pages and directory assistance listing, or, upon customer request,
4.22 a private listing that allows the customer to have an unlisted or unpublished telephone
4.23 number;

4.24 H. call-tracing capability according to chapter 7813;

5.1 I. blocking capability according to the commission's ORDER ESTABLISHING
5.2 CONDITIONS FOR THE PROVISION OF CUSTOMER LOCAL AREA SIGNALING
5.3 SERVICES, Docket No. P-999/CI-92-992 (June 17, 1993) and its ORDER AFTER
5.4 RECONSIDERATION, Docket No. P-999/CI-92-992 (December 3, 1993), which are
5.5 incorporated by reference, are not subject to frequent change, and are available through
5.6 the statewide interlibrary loan system; and

5.7 J. telecommunications relay service capability or access necessary to comply
5.8 with state and federal regulations.

5.9 [For text of subps 2 to 7, see M.R.]