


Staff Briefing Papers

Meeting Date	April 8, 2021	Agenda Item 4**
Company	Big River Telephone Company, LLC (Big River)	
Docket No.	P6652/SA-21-82	
	In the Matter of a Petition of Big River Telephone Company, LLC for an Amended Certificate of Authority to Expand Service Area	
Issues	Should the Commission approve Big River Telephone's petition to amend its existing Certificate of Authority to allow the Company to provide local exchange services in the municipality of Red Lake Falls?	
Staff	Marc Fournier	Marc.Fournier@state.mn.us 651.214.8729

 Relevant Documents	Date
Initial Filing-Petition to Amend Its Certificate of Authority to Provide Local Exchange Service in Red Lake Falls Big River Telephone	January 26, 2021
Comments of the Minnesota Department of Commerce	February 5, 2021
Letter from Garden Valley Telephone Company, D/B/A Garden Valley Technologies (Garden Valley)	February 10, 2021
Commission issued Notice of Comment Period	February 24, 2021
Reply Comments of the Minnesota Department of Commerce	March 16, 2021
Reply Comments of Big River Telephone	March 24, 2021

To request this document in another format such as large print or audio, call 651.296.0406 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

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.

I. Statement of the Issues

Should the Commission approve Big River Telephone's petition to amend its existing Certificate of Authority to allow the Company to provide local exchange services in the municipality of Red Lake Falls?

II. Background

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 (LEC), in Docket No P6652/NA-07-1196: 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 LEC: 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 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.

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.

On February 10, 2021, Garden Valley submitted a letter in this docket to the Commission's executive secretary. In the letter, Garden Valley asserted that there were call completion issues related to completion of calls originating with current Big River customers who attempt to make calls to Garden Valley Thief River Falls competitive local exchange carrier (CLEC) customers who were formerly Big River customers.

On February 24, 2021, the Commission issued a Notice of Comment Period. In the notice, the Commission requested that Garden Valley provide:

An outline why Garden Valley determined this was the proper proceeding to bring these issues to the Commission's attention; any call logs that verify the allegations made by Garden Valley;

and any other information that Garden Valley deems relevant to the allegations made by Garden Valley. Garden Valley did not respond.

Other parties were invited to respond to the information filed by Garden Valley in reply comments. On March 16, 2021, the Minnesota Department of Commerce (Department) filed reply comments.

Big River filed its reply on March 24, 2021.

III. Parties' Comments

Garden Valley

Garden Valley did not respond to the Commission's Notice of Comment period which specifically requested that Garden Valley validate the assertions made in its February 10, 2021 letter (letter). Below is a summary of the assertions made by Garden Valley in its letter:

Garden Valley is the Incumbent LEC in Red Lake Falls. Garden Valley is also a CLEC in Thief River Falls where Big River was a CLEC prior to Garden Valley entering the market and remains a CLEC. In the course of entering the market in Thief River Falls and expanding its customer base in Thief River Falls, Garden Valley has experienced customer service problems relating to customers who have shifted from Big River to Garden Valley. Garden Valley has not experienced similar problems with other providers in Thief River Falls.

The problems relate to failed completion of calls originating with current Big River customers who attempt to make calls to Garden Valley Thief River Falls CLEC customers who were formerly Big River customers. Specifically, in following up on complaints from Garden Valley customers, Garden Valley has determined that the calls being attempted by current Big River customers are not reaching the Garden Valley switching equipment. When Garden Valley has approached Big River to resolve these problems, Big River personnel have been unwilling to share information or readily cooperate in resolving the problems noting they will only work with a customer of Big River to resolve an issue. As noted, Garden Valley has not experienced similar problems with other providers in Thief River Falls, which include Century Link, Wikstrom Telephone, Verizon, AT&T and others.¹

Garden Valley has a concern that the same problems may arise in Red Lake Falls as Big River begins to provide service in Red Lake Falls.

Garden Valley recognizes that problems cannot be resolved or completely prevented in advance. Nonetheless, Garden Valley wishes to provide advance notice of its concerns based on its experiences with Big River in Thief River Falls.²

¹ Garden Valley February 10, 2021 letter at p. 1

² Garden Valley February 10, 2021 letter at p. 2

Department of Commerce

Department's February 5, 2021 Comments

Big River's request to amend the certificate of authority fulfills the requirements of Minnesota Statutes §237.16, subd. 4 and Minnesota Rule pt. 7812.0300, subp. 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 pt. 7812.0200, subp. 6. Furthermore, the filing does not involve an acquisition under Minnesota Statutes § 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, subd. 4 and Minn. Rules pt. 7811.0300, subp. 5.

The Department recommends that the Commission 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.³

Department's March 16, 2021 Comments

Garden Valley's February 10, 2021 letter alleges that some customers who have switched to Garden Valley as their service provider, after having been customers of Big River, have experienced calls from existing Big River customers that fail to complete. The issues raised by Garden Valley in this matter appear to be an attempt to look out for the interests of its customers, without filing a formal complaint. If the allegations are correct, customers that chose to leave Big River should not need to return to Big River, to ensure that they can receive place calls.

The telecommunications network cannot properly function without the cooperation of the industry participants, whether such cooperation is voluntary or compelled. The PUC may wish to make clear that cooperation between these local service providers is expected to ensure calls in Minnesota are properly reaching their intended destination. If the call termination problems are unresolved by the companies, the PUC may wish to encourage the companies to come back to the PUC to seek relief. In any event, the burden for calls to be properly

³ Department of Commerce February 5, 2021 Comments at p. 3

terminated is not the responsibility of customers and any customer harm resulting from calls not being completed is unacceptable.⁴

Big River

Big River believes that there could have been a more customer-focused approach in resolving certain call completion issues reported, as originating from Big River to Garden Valley.

Garden Valley stated that “the problems relate to failed completion of calls originating with current Big River customers, who attempt to make calls to Garden Valley Thief River Falls CLEC customers, who were formerly Big River customers.” There was no correlation between call failures, specifically involving current to former Big River/current Garden Valley customers. These were plain call completion failures.

Big River investigated these failures over a lengthy period and found a root-cause in the route selection it took for calls bound for Garden Valley. Big River indicated that it is open to discussing the details of its findings with Garden Valley and the Commission if the Commission so desires. At a high level, Big River discovered that a carrier (within a group of termination carriers) was not completing Big River calls that were handed off. Big River received no alerts from its surveillance systems that these failures had occurred. As such, there was no evidence the problems were occurring. Garden Valley did not see the calls come in. On February 19th, Big River placed a state-wide block on the offending carrier. The Company has not received any reports from Garden Valley since the block was enabled.⁵

Big River suggests the following ways to improve service:

- Both companies should create and exchange trouble tickets, containing as much information as possible.
- If either company does NOT feel the trouble ticket is being efficiently handled, an escalation to the respective management chains, should be initiated. The companies’ respective network operations center (NOC) teams would have lists to facilitate the escalation.
- A point of contact should be identified for each company. An NOC-manager or supervisor would be logical.
- A direct trunking connection should be established between Garden Valley and Big River via internet protocol (IP)/ Session Initiation Protocol (SIP) trunks. Both companies would then see the same path, the same timestamps and possibly

⁴ Department of Commerce March 16, 2021 Comments at pp. 1-2

⁵ Big River March 24, 2021 comments at p. 1

resolve/prevent trouble before customers are affected. A direct connection would also eliminate the need to introduce third-party carriers entirely.

Call completion failures affect customers of both companies. Satisfied customers should be the focus. Big River looks forward to working with Garden Valley to implement these improvements.⁶

IV. Staff Analysis

Staff agrees with comments of the Department of Commerce that the telecommunications network cannot function properly without the necessary level of cooperation of the industry participants. As was discussed by the Department, the Commission may wish to send the clear message that industry participants should cooperate to properly terminate calls. If calls are not consistently completing (terminating) properly going forward, the Commission may wish to encourage the companies to come to the Commission for relief. Such an option is part of the companies' existing interconnection agreement.⁷

Staff appreciates Big River's forthcoming and constructive approach to the issues identified in Garden Valley's letter, and the solutions proposed to solve these issues. Staff would hope that Garden Valley would cooperate in achieving these proposed solutions and solving the problems identified.⁸ As such, Big River's request to amend its certificate of authority to include the exchange of Red Lake Falls should be granted.

V. Decision Options

Should the Commission approve Big River Telephone's petition to amend its existing Certificate of Authority to allow the Company to provide local exchange services in the municipality of Red Lake Falls?

1. Grant Big River Telephone Company LLC's petition to serve the municipality of Red Lake Falls conditioned upon Commission approval of any necessary updates to the Company's 911 plan and tariff, which incorporate the affected exchange (**Department recommendation**).
2. Do not grant Big River Telephone Company LLC's petition.

⁶ Big River March 24, 2021 comments at p. 2

⁷ Please see Part 10 Dispute Resolution of the Garden Valley Telephone Company-Big River Agreement p. 12 Docket No. P6652,409/IC-08-1008.

⁸ Please see Part 3 subparts 3.1 and 3.2 Interconnection Arrangements and Traffic Routing of the Garden Valley Telephone Company-Big River Agreement pp. 3-5 Docket No. P6652,409/IC-08-1008.