

July 8, 2021

Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101-2147

RE: **Reply Comments of the Minnesota Department of Commerce**  
Docket No. P421/M-21-381

Dear Mr. Seuffert:

In response to the Commission's Notice of June 11, 2021, seeking comments by June 28, 2021 on CenturyLink's petition for rulemaking, the Commission received comments from CenturyLink, the Communications Workers of America (CWA), Citizens and Frontier (collectively "Frontier"), the Office of the Attorney General (OAG\_RUD), and the Department of Commerce (Department). Although not necessarily in response to the Commission notice, residents of Stillwater Township filed public comments, as well as the Stillwater Township Board, the Minnesota Retailers Association and the Minnesota Chamber of Commerce. After reviewing the comments filed, the Department continues to support its recommendations filed on June 28, 2021. The Department files these responsive comments to briefly respond to a couple of issues raised in the two comment filings by CenturyLink.<sup>1</sup>

CenturyLink insists that to properly serve broadband customers, the Commission must not require it to maintain landline service performance requirements. However, maintenance of CenturyLink's network is not a zero-sum game. CenturyLink's attention to one service does not necessitate diminution of another service, particularly when both telephone and broadband are provided over the same network. Pitting customers – who are each paying for a service in good faith - against each other as to who is more deserving of a minimum level of service is a false choice. CenturyLink has been clear that it will provide broadband service when it can do so at a level of profitability it finds acceptable. In its response to several public comments from citizens of Stillwater Township, CenturyLink says: "the economics of such a [broadband] build are cost prohibitive, even with a state broadband grant awarding 50 percent of the cost."<sup>2</sup> CenturyLink's claim that reduced regulation for telephone service will somehow change the economics of deploying broadband infrastructure has never been demonstrated.

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<sup>1</sup> Both Jason Topp and Dana Bailey authored comments on behalf of CenturyLink.

<sup>2</sup> Letter from Dana Bailey, Docket No P421/M-21-381 June 28, 2021.

If the Commission determines that rulemaking is appropriate, it should do so for all the rules that affect consumer telephone service. To be clear, not all customers have a choice of service providers and modernizing rules must recognize that there are vulnerable residential and business consumers without viable alternatives.<sup>3</sup> The publicly filed comments by JS from Stillwater articulates the dilemma of customers: ***“We depend on them [CenturyLink] to provide reliable service for Landlines which also provide us with internet service. No other service is available in this area. Cell coverage is very limited. If our lines go down and they do not have to respond quickly that puts us at risk for emergencies. . . .”***<sup>4</sup>

Sincerely,

/s/ DIANE DIETZ  
Rate Analyst

/s/ JOY GULLIKSON  
Rate Analyst

/s/ LISA GONZALEZ  
Rate Analyst

DD/JG/LG/ar  
Attachment

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<sup>3</sup> See, for example, Dano, Mike, “Lumen puts copper biz on the auction block...again” *Light Reading*, May 6, 2021, <https://www.lightreading.com/opticalip/lumen-puts-copper-biz-on-auction-blockagain/d/d-id/769329>.

<sup>4</sup> Public comment in Docket No P421/M-21-381, Document no. 20216-175218-01, June 18, 2021.

## **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  
Reply Comments**

**Docket No. P421/M-21-381**

**Dated this 8<sup>th</sup> day of July 2021**

**/s/Sharon Ferguson**

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Scott	Bohler	scott.bohler@ftr.com	Frontier Communications Corporation	2378 Wilshire Blvd  Mound, MN 55364-1652	Electronic Service	No	OFF_SL_21-381_Official Service List 21-381
Laura	Bordelon	lbordelon@mnchamber.com	Minnesota Chamber of Commerce	400 Robert St N Ste 1500  Saint Paul, MN 55101	Electronic Service	No	OFF_SL_21-381_Official Service List 21-381
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_21-381_Official Service List 21-381
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_21-381_Official Service List 21-381
Jeff S	Lacher	jlacher@cwa-union.org	Communications Workers of America	7600 Parklawn Ave Ste 412 Minneapolis, MN 55435	Electronic Service	No	OFF_SL_21-381_Official Service List 21-381
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_21-381_Official Service List 21-381
John	Reynolds	jreynolds@mnchamber.com	Minnesota Chamber of Commerce	400 Robert St N Ste 1500  Saint Paul, MN 55101	Electronic Service	No	OFF_SL_21-381_Official Service List 21-381
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_21-381_Official Service List 21-381
Eric	Swanson	eswanson@winthrop.com	Winthrop & Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_21-381_Official Service List 21-381
Jason	Topp	jason.topp@lumen.com	CenturyLink Communications, LLC	200 S 5th St Ste 2200  Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-381_Official Service List 21-381