

April 14, 2014

By efile

Burl W. Haar
Minnesota Public Utilities Commission
350 Metro Square Building
121 Seventh Place East
St. Paul, MN 55101-2147

Re: In the Matter of the CenturyLink, Inc. Petition for Rulemaking to Revise Service
Quality Rules
Docket No. P421/AM-14-256

Dear Dr. Haar:

Enclosed for filing are the Comments of Joint CLECs, in connection with the
above-referenced matter. Also enclosed is a Certificate of Service.

Sincerely,



Kim K. Wagner
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Attachment

STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger	Chair
David C. Boyd	Commissioner
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
Betsy Wergin	Commissioner

In the Matter of the CenturyLink, Inc.
Petition for Rulemaking to Revise Service
Quality Rules

Docket No. P421/AM-14-256

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2014, the attached Comments of Joint CLECs were e-filed with the Minnesota Public Utilities Commission, and that copies of this filing were distributed to the following parties by electronic filing, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at Golden Valley, Minnesota:

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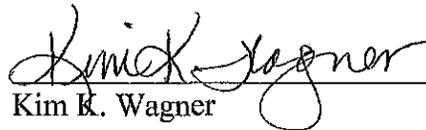
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Dated: April 14, 2014.



Kim K. Wagner

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**In the Matter of the CenturyLink, Inc.
Petition for Rulemaking to Revise Service
Quality Rules**

Docket No. P421/AM-14-256

COMMENTS OF JOINT CLECS

Eschelon Telecom of Minnesota, Inc. d/b/a Integra, Integra Telecom of Minnesota, Inc. d/b/a Integra, twtelecom of Minnesota, llc, US Link Inc. d/b/a/ TDS Metrocom, and Velocity Telephone, Inc. (“Joint Competitive Local Exchange Carriers,” or “Joint CLECs”) respectfully submit these comments in response to CenturyLink’s *Petition for a Rulemaking*.¹

Background

On March 26, 2014, CenturyLink filed a petition for waiver of Minnesota Rule Part 7810.5800 and a request for a rulemaking to review service quality rules. CenturyLink cited changes in the telecommunications industry “over the last several decades”² and increased consumer use of “wireless service”³ as justifications for a review of the service quality rules. The Commission opened dockets P-421/AM-14-255,⁴ to address the Rule 7810.5800 waiver request, and P-

¹ *Petition for Waiver of Minnesota Rule Part 7810.5800 and Request for Rulemaking to Modernize Service Quality Rules*, In the Matter of the CenturyLink, Inc. Petition for Rulemaking to Revise Service Quality Rules, PUC Docket Number 421/AM-14-256, March 26, 2014 (“Petition for Rulemaking”).

² Petition for Rulemaking, p. 1.

³ Petition for Rulemaking, p. 1.

⁴ In the Matter of the Petition of CenturyLink, Inc. for Waiver of Minnesota Rule Part 7810.5800. Comments in this docket are due April 30, 2014.

421/AM-14-256,⁵ to address the request for a rulemaking, and solicited comments regarding CenturyLink's petition.⁶

Introduction

The Joint CLECs do not take a position as to whether the Commission should open a rulemaking regarding service quality rules. However, to the extent the Commission does open a rulemaking, the Joint CLECs request the Commission protect wholesale service quality governed by CenturyLink's Performance Assurance Plan ("CPAP"),⁷ which is part of a participating carrier's interconnection agreement. The Commission can achieve this protection by:

- 1) Clarifying that a rulemaking to address service quality applies solely to retail service quality, and that any changes to wholesale service quality plans must be made via the CPAP⁸ incorporated into a competitive carrier's interconnection agreement.
- 2) Refraining from allowing any changes in retail service quality rules for any retail service quality measure that is used as a comparison for a wholesale service quality measure in the Minnesota CPAP,⁹ unless and until CenturyLink and competitive carriers are able to negotiate acceptable protections for the wholesale service quality measure impacted.

Response to Commission Topics

1. *Is a Rulemaking necessary to address CenturyLink's concerns? Address alternatives that can possibly address the Company's concerns without the need for a rulemaking.*¹⁰

⁵ In the Matter of the CenturyLink, Inc. Petition for Rulemaking to Revise Service Quality Rules

⁶ Notice of Comment Period, In the Matter of the CenturyLink, Inc. Petition for Rulemaking to Revise Service Quality Rules, P421/AM-14-256, April 2, 2014.

⁷ The Minnesota CPAP can be found at <http://www.centurylink.com/wholesale/clecs/nta.html> under Exhibit K.

⁸ Section 17.2 and 17.3 of the Minnesota CPAP.

⁹ See Table 1, later in the comments, for a list of the wholesale service quality measures currently being measured against retail service quality.

¹⁰ Notice of Comment Period, p. 1.

The Joint CLECs do not currently have a position regarding this question.

2. *How does CenturyLink's petition comport with Minn. Administrative Rules, specifically Parts 1400.2040 and 1400.2500 relating to the language of the requested rule changes or repeals proposed by the Company?*¹¹

CenturyLink's Petition for Rulemaking fails to comport with 1400.2040(B) which requires the petition contain, "the specific action (adoption, amendment, or repeal of an agency rule) requested by the petitioner."¹² CenturyLink requests the initiation of "a rulemaking proceeding to undertake a more comprehensive approach to review outdated service quality rules,"¹³ but fails to include specific recommended changes to the rules.

3. *How does the Company's petition support the Commission's telecommunication service goals of a) maintaining or improving quality of service, and b) ensuring consumer protections are maintained in the transition to a competitive market for local telecommunications service?*¹⁴

a) *Maintain or improve quality of service*

As discussed previously, CenturyLink's *Petition for Rulemaking*, as addressed in these comments,¹⁵ does not request any specific change to retail service quality rules. However, CenturyLink's *Petition for Rulemaking* suggests that CenturyLink will seek removal of service quality standards, and without vibrant competition to ensure there isn't a 'race to the bottom' in quality of service, CenturyLink's performance in certain

¹¹ Notice of Comment Period, p. 2.

¹² Minnesota Administrative Rules 1400.2040(B).

¹³ Petition for Rulemaking, p. 1.

¹⁴ Notice of Comment Period, p. 2.

¹⁵ Docket P-421/AM-14-255 deals with CenturyLink's specific request with respect to Minnesota Administrative Rule 7810.5800.

areas could deteriorate as a result.¹⁶ For example, CenturyLink refers to the current rules as “outdated,”¹⁷ “monopoly era,”¹⁸ “stringent,”¹⁹ and “expensive.”²⁰ If CenturyLink is no longer required to comply with basic service requirements, and competitors are not competing based on quality of service²¹ (and not every customer in every market may have a competitive choice), incentives for CenturyLink to maintain its existing standards, that it claims are *stringent* and *expensive*, are diminished. Further, CenturyLink’s reliance on wireless competition as part of the relevant market that will “dictate how providers behave”²² is troublesome, as wireless service quality has been criticized for its poor signal, dropped calls, network busy signals, power issues, lack of coverage, and privacy issues.²³ In fact, instead of removing quality of service standards based on wireless competition as Century Link has suggested, some commissions are looking at imposing standards for wireless and other alternative technologies.²⁴

b) *Ensure consumer protections*

¹⁶ For example, Oregon Staff recognized the risk that wholesale service quality could deteriorate when retail service quality standards are reduced. *Staff Comments*, In the Matter of Telecommunication Service Standard Revisions – Repair Clearing Time, AR 575, December 13, 2013, p. 2.

¹⁷ Petition for Rulemaking, pp. 1 and 3.

¹⁸ Petition for Rulemaking, p. 2.

¹⁹ Petition for Rulemaking, p. 4.

²⁰ Petition for Rulemaking, p. 4.

²¹ Every customer in every market may not have a competitive choice, let alone choice of a competitor competing based upon service quality.

²² Petition for Rulemaking, p. 5.

²³ See, for example, <http://www.tdstelecom.com/CustomerService/WhyLandline.aspx>.

²⁴ In a recent docket in California regarding universal service and provider of last resort obligations, the California Commission also expressed concerns about wireless service quality and recognized there may be a “need to identify, adopt, and enforce standards for wireless and other alternative technologies.” See *Decision Adopting Basic Telephone Service Revisions*, Order Instituting Rulemaking Regarding Revisions to the California High Cost Fund B Program, Rulemaking 09-06-019, Decision 12-12-038, December 20, 2012, p. 46.

One method to help ensure consumer protection is to not allow changes in retail service quality standards that are used as a comparison for wholesale service quality. The Joint CLECs purchase wholesale services from CenturyLink, which they rely upon along with their own network investments, to provision final products to end user customers within the CenturyLink service territory. The Joint CLECs are concerned that CenturyLink's petition for a rulemaking could potentially hamper the Joint CLECs' ability to offer high quality customer service to end users.

CenturyLink's petition should not impact its legal requirements with respect to its wholesale obligations. Changes to the Minnesota CPAP are governed by interconnection agreements and the associated CPAP document.²⁵

CenturyLink's petition could, however, impact wholesale service quality reporting and wholesale service quality performance. CenturyLink's petition raises additional concerns because some of the wholesale measures within the CPAP are measured against CenturyLink's retail performance. The Joint CLECs oppose changes in retail service quality standards that are associated with wholesale performance standards. For example, Mean Time to Restore (MR-6) for unbundled loops is measured in comparison to retail residential and business POTS, which is governed by Minnesota Administrative Rule 7810.5800. Relaxing the repair standard could result in a corresponding decrease in wholesale service quality performance. CenturyLink may be able to comply with the current standard, parity with retail, despite declining wholesale service quality. This should not be allowed to happen. CenturyLink

²⁵ The Commission recently approved changes to the CPAP in docket 13-733 MODIFICATION OF MN PERFORMANCE ASSURANCE PLAN TO MAKE IT CONSISTENT WITH SETTLEMENT AGREEMENT. October 25, 2013. Effective January 1, 2014

should not be allowed to relax a retail service quality standard that is used in the wholesale service quality performance plans until such time as CenturyLink and impacted competitors are able to work out appropriate protections for wholesale service quality.

Table 1: List of Minnesota CPAP Measures with Corresponding Retail Service Quality Standard

Minnesota CPAP Measure	Products with Retail Comparison	Related Minnesota Administration Rule
MR-5 – Troubles Cleared within Specified Intervals	DS1 Loops, DS1 EELs and LIS Trunks	7810.5800 INTERRUPTIONS OF SERVICE
MR-5 – Troubles Cleared within Specified Intervals (Diagnostic)	Sub-loops and Resale Business Single Line Service	7810.5800 INTERRUPTIONS OF SERVICE
MR-6 – Mean Time to Restore	Resale Residential Single Line Service, Sub-loops, LIS Trunks, analog loop, 2-wire non-loaded loop, xDSL capable loop, ADSL capable loop, DS1 Loop, and DS1 EEL	7810.5800 INTERRUPTIONS OF SERVICE
MR-7 – Repair Repeat Report Rate	Resale Residential Single Line Service, Sub-loops, LIS Trunks, analog loop, 2-wire non-loaded loop, xDSL capable loop, ADSL capable loop, DS1 Loop, and DS1 EEL	7810.5900 CUSTOMER TROUBLE REPORTS
MR-8 – Trouble Rate	Resale Residential Single Line Service, Sub-loops, LIS Trunks, analog loop, 2-wire non-loaded loop, xDSL capable loop, ADSL capable loop, DS1 Loop, and DS1 EEL	7810.5900 CUSTOMER TROUBLE REPORTS
MR-9 – Repair Appointments Met (Diagnostic)	Residential Single Line Service	7810.5800 INTERRUPTIONS OF SERVICE
NI-1 – Trunk Blocking (Diagnostic)	LIS Trunks	7810.5400 INTEROFFICE TRUNKS
OP-3 – Installation	Residential Single Line	N/A

Commitments Met	Service, LIS Trunks and DS1 Loops	
OP-4 – Installation Interval	Residential Single Line Service and LIS Trunks	7810.5500 TRANSMISSION REQUIREMENTS
OP-5 – New Service Installation Quality	Resale Residential Single Line Service, Sub-loops, LIS Trunks, analog loop, 2-wire non-loaded loop, xDSL capable loop, ADSL capable loop, DS1 Loop, and DS1 EEL	7810.5900 CUSTOMER TROUBLE REPORTS
OP-15 – Interval for Pending Orders Delayed Past Due Date (Diagnostic)	Resale Residential Single Line Service, Sub-loops, LIS Trunks, analog loop, 2-wire non-loaded loop, xDSL capable loop, ADSL capable loop, DS1 Loop, and DS1 EEL	7810.5500 TRANSMISSION REQUIREMENTS
PO-9 – Timely Jeopardy Notices (Diagnostic)	Non-Designed Services, Unbundled Loops, LIS Trunks	N/A
BI-2 – Invoices Delivered within 10 days (Diagnostic)	UNEs and Resale Residence (combined)	N/A
BI-4 – Billing Completeness (Diagnostic)	UNE Loops and Resale Residence (combined) and Reciprocal Compensation	N/A

4. *What should be the scope of any rulemaking proceeding?*²⁶

To the extent the Commission opens a rulemaking to address service quality rules, the Joint CLECs recommend the proceeding be limited to retail service quality. In addition, the Joint CLECs recommend the rulemaking be limited to retail service quality measures that are not used as comparable standards in the wholesale service quality performance plans until such time as CenturyLink and the competitive carriers relying on these plans can negotiate an alternative standard that will protect wholesale service quality.

²⁶ Notice of Comment Period, p. 2.

5. *What procedures should the Commission establish for any rulemaking proceeding?*²⁷

The Joint CLECs do not currently have a position regarding this question.

6. *Should the Commission approve or deny CenturyLink's petition for rulemaking?*²⁸

The Joint CLECs do not currently have a position regarding this question.

7. *Other related issues for Commission consideration.*²⁹

The Joint CLECs do not take a position as to whether the Commission should open a rulemaking regarding service quality rules. However, to the extent the Commission does open a rulemaking, the Joint CLECs request the Commission protect wholesale service quality provided by CenturyLink to competitive carriers through the Minnesota CPAP.

The Joint CLECs recommend, to the extent the Commission opens a rulemaking proceeding, the Commission clarify the rulemaking is intended to address retail service quality and not impact wholesale service quality. In addition, the Commission should refrain from making any changes in retail service quality rules when the retail service quality performance is used as a measure in the wholesale service quality plans.

Dated this 14th day of April, 2014.

On behalf of the Joint CLECs



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²⁷ Notice of Comment Period, p. 2.

²⁸ Notice of Comment Period, p. 2.

²⁹ Notice of Comment Period, p. 2.