

Minnesota Public Utilities Commission

REQUEST FOR COMMENTS

In the Matter of a Rulemaking to Consider Possible Amendments to *Minnesota Rules* parts 7810.4100 through 7810.6100; Revisor's ID Number R-04269; PUC Docket No. P-999/R-14-413

Subject of Rules. On March 26, 2014, CenturyLink, Inc. petitioned the Commission to open a rulemaking docket to examine service quality standards. On May 22, 2014, in its *Order Detailing Disposition of Petition and Initiating Rulemaking*, the Commission concluded that “a rulemaking proceeding would enable it to consider how to best promote a key objective of the regulatory framework, the duty to maintain and improve service quality, and to explore whether possible rule changes would more accurately and appropriately further this policy.”

Comments Sought. Consistent with the *Order*, the Commission seeks comments regarding possible changes to the existing rules, parts 7810.4100 through 7810.6100, including specific language suggestions and substantive evidence supporting any suggested rule changes. The Commission invites comments on whether the rules should be modified and, if so, how they should be changed. Anyone requesting rule changes that would eliminate or reduce current service quality standards, at a minimum, is requested to:

1. Provide evidence of competition, including the level and scope of such competition in relation to different types of customers (large business, small business, residential, etc.) and geography, and the extent to which existing competition supports the rule changes being recommended. Such evidence and analysis should, at a minimum, reflect or be guided by the following:
 - a. Any market-power analysis should, at a minimum, address the analysis set forth in: (i) *Horizontal Merger Guidelines*, U.S. Department of Justice and Federal Trade Commission, August 19, 2010; and (ii) Memorandum Opinion and Order, *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix, Arizona Metropolitan Statistical Area*. Federal Communications Commission, WC Docket No. 09-135, June 22, 2010.
 - b. Commenters should provide evidence of whether wireless service is a substitute for and/or a complement to wireline local service in each relevant market and, if so, to what extent.
 - c. Relevant markets should, at a minimum, reflect (i) different customer segments, including but not necessarily limited to residential, small business (1-3 lines, suggested), medium business (4-200 lines, suggested) and large business (over 200 lines, suggested); and (ii) different geographic areas where customers face the same choice of competitive services (in some cases this may require defining the market at a level less than that covered by a wire center – for example where cable is offered in an urban area but not in the rural portion of the wire center).

- d. Relevant substitutes for traditional landline service should exclude services provided by carriers affiliated with the traditional landline service provider.
2. Provide proposed language for each rule change sought, and for each rule change provide:
 - a. A demonstration of how the recommended rule change would impact retail service quality and the extent to which service quality would be adequately protected by competition and/or the recommended rule change;
 - b. An analysis of how the change would, if at all, maintain or improve service quality;
 - c. An analysis and evidence of the impact any recommended change would potentially have on competition, local exchange carriers and wholesale service quality;
 - d. Any other relevant evidence, analysis and argument supporting any recommended rule change and the impact of such change on telecommunications consumers;
 3. Provide arguments or evidence as to why rule changes should or should not be made regardless of evidence related to competition.

Persons Affected. The amendment to the rules would likely affect providers of telecommunication services in Minnesota, as well as retail and wholesale telecommunications consumers.

Statutory Authority. Minn. Stat. §216A.05, subd. 1 gives the Commission general rulemaking authority. Minn. Stat. §237.10 requires the Commission to prescribe uniform rules pertaining to the conduct of intrastate telephone business. Further, Minn. Stat. § 237.011 requires the Commission to consider, in its oversight of telecommunications services, the state's policy goal of maintaining or improving service quality.

Public Comment Period. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on December 4, 2014. The Commission will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. **When commenting please refer to PUC Docket No. P-999/R-14-413.** You may also electronically file your comments using the Commission's electronic filing system located at: <https://www.edockets.state.mn.us/EFiling>.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Kevin O'Grady (651-201-2218; kevin.ogrady@state.mn.us) or Lillian Brion (651-201-2216; lillian.brion@state.mn.us), Public Utilities Commission, 121 Seventh Place East, Suite 350, Saint Paul, Minnesota 55101-2147.

Alternative Format/Telecommunications Relay Service. Upon request, this information can be made available in an alternative format (e.g., large print or audio) by

calling 651-296-0406 (voice). Persons with hearing loss or speech disabilities may call us through their preferred Telecommunications Relay Service.

Advisory Committee. The Commission has not determined whether to appoint an advisory committee under Minn. Stat. §14.101 to comment on the possible rules. Persons interested in this issue should address it in their comments. And persons interested in serving on an advisory committee should include a request to do so in their comments.

Draft Rules. The Commission has not yet drafted possible rule amendments.

NOTE: Should the Commission formally propose adoption of rules the comments received in response to this notice will not necessarily be included in the formal record submitted to the Administrative Law Judge. The agency is required to submit to the Judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after rules are formally proposed.