

March 3, 2015

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce**
In the Matter of the Revocation of FTTH Communications, LLC's Certificate of
Authority.
Docket No. P6014/RV-15-53

Dear Mr. Wolf:

The Department of Commerce (Department) has reviewed and analyzed the current filing. Attached is the Department's checklist for processing revocation dockets. The checklist reflects the Department's analysis of the issues relating to the requirements of Minnesota law and the Commission's rules to support the revocation.

FTTH Communications, LLC (FTTH) originally received conditional local exchange authority in Docket No. 6014/NA-01-684 on November 5, 2003.

The docket was opened on: January 15, 2015

The carrier's last known address:

Jeffrey Feldman
FTTH Communications, LLC
2930 146th Street W., Suite 105
Rosemount, MN 55068

Minnesota Statutes §237.16, subd. 5 states in part, "any certificate of authority may, after notice of hearing and a hearing, be revoked or temporarily suspended, in whole or in part, for: ...failure to meet the terms and conditions of its certificate..."

Recommended Action: Revocation of FTTH Communications, LLC's certificate of authority

Conditions of Revocation: None.

Note:

- 1) FTTH has paid its outstanding regulatory assessment of \$29.42. Additional assessments and/or refunds will be based on the amount of 2014 revenues reported.
- 2) FTTH must file its 2014 Minnesota Jurisdictional Annual Report by May 1, 2015.
- 3) The Department of Public Safety and the Metropolitan Emergency Services Board, 911 plan administrators, are added to the service list of this docket.
- 4) Qwest Corporation d/b/a CenturyLink QC and Frontier Communications of Minnesota, Inc., parties to FTTH's interconnection agreements, are added to the service list of this docket.
- 5) Level III Communications, LLC, underlying carrier for FTTH's 911 plan, is added to the service list of this docket.

The Department intends to petition the Commission to require that all carriers discontinue their services to the carrier pursuant to Minn. Stat. 237.121 (a) (6). For administrative efficiency, this petition will be filed at a future time with other carriers that have recently relinquished their authority or have recently had their authority revoked. A separate docket number will be assigned to that petition. Affected carriers should be placed on inactive status on the Commission's Master Contact List pending final discontinuance.

Sincerely,

/s/ BRUCE L. LINSCHIED
Financial Analyst

BLL/lt
Attachment

CHECKLIST FOR PROCESSING STANDARD REVOCATIONS OF CERTIFICATES OF AUTHORITY

I. TYPE OF CERTIFICATION

- A. Local Exchange Certificate of Authority (Docket No. P6014/NA-01-684, November 5, 2003)
- B. Long Distance Certificate of Authority (Docket No.)
- C. Local Niche Certificate of Authority (Docket No. _____)

II. REVOCATION PROCESSES THAT APPLY ALL CERTIFICATES

- A. Carrier's last known address is no longer valid. On December 1, 2014, the owner and regulatory contact for FTTH Communications, LLC (FTTH) stated "a few months ago I ended up selling all the assets of FTTH Communications to another local provider. We did all the necessary filings and now that the transition has finished up there is no more operating entity under our EIN or FCC Filer ID. I've sent all the proper paperwork to terminate the Filer ID and to dissolve the corporation by year end, as a practical matter there is nothing left today, the employees are gone and our accounts are closed." On January 16, 2015, the Department contacted the purchaser of FTTH, Velocity Telephone, Inc. (Velocity) to inquire about the requirement to submit a petition for Commission approval of the transaction. Velocity informed the Department that it purchased the video facilities of FTTH since Velocity has its own voice assets and FTTH did not have any number resources as a reseller. Velocity also obtained Letters of Authorization for the transfer of all of FTTH's telecommunications customers.
- B. Carrier's last known telephone numbers are no longer in service. See II.A.
- C. Carrier cannot be reached electronically (electronic mail or internet). See II.A.
- D. Carrier filed its last annual report in 2013. The Department's eAssessment database indicates that Carrier had revenues of \$126,000 in 2013.
- E. The Minnesota Secretary of State's records show that the carrier no longer holds a certificate to do business in Minnesota. A Notice of Dissolution is registered at the Minnesota Secretary of State's website on October 14, 2014.
- F. The Commission's Consumer Affairs Office (CAO) complaint records do not indicate that the carrier continues to provide service in Minnesota. The Commission's Consumer Affairs Office confirms that no complaints have been filed against FTTH.
- G. Any assessments or fees unpaid to the Department, Commission, Metropolitan 911 Board, or Department of Public Safety remain the responsibility of the carrier. The Department's accounting staff reports that the Carrier has paid assessments of \$29.42 for the period July 1, 2013 through June 30, 2014. Additional assessments and/or refunds will be based on the amount of 2014 revenues reported.
- Company is current with filing annual reports. See II.D.

Intrastate jurisdictional revenue would be needed to enable assessment for the following past years: 2014.

Annual reports for past years should be pursued:
 Yes No

Intrastate jurisdictional revenue will need to be filed by May 1 of the following year if company had intrastate revenues in current year, and regulatory assessment should be pursued:

Yes No The Bill of Sale of FTTH to Velocity is dated July 21, 2014. FTTH appears to have had operations in the first half of 2014. A 2014 Minnesota Jurisdictional Annual Report should be filed by May 1, 2015.

H. The docket history of this company has been checked to verify that the authority of the company has not been addressed within an acquisition docket. If the revocation was addressed within an acquisition docket, a separate revocation docket may not be required. Control of FTTH was transferred to Everest FTTH Acquisition LLC in Docket No. P6014/PA-10-106 on March 22, 2010; however, FTTH continued operating under its existing certificate of authority.

I. Other: None.

III. REVOCATION PROCESSES THAT APPLY ONLY TO LOCAL CERTIFICATES

A. The carrier's 911 plan, filed in Docket No. 09-950, should be cancelled. If the carrier has filed a 911 plan and has operational or conditional authority to provide local services, the Minnesota Department of Public Safety, and, if applicable, the Metropolitan 911 Board, will be notified of this recommendation by being placed on the service list for this docket.

B. Any Incumbent Local Exchange Carriers (ILECs) that have interconnection agreements with the carrier should be notified that the carrier no longer has authority to provide telecommunications services in Minnesota and services should no longer be offered under its interconnection agreement(s). The parties to those interconnection agreements have been notified of this recommendation by being placed on the service list in this docket. The carrier's interconnection agreement(s) were approved in Docket Nos. 10-178 with Qwest Corporation dba CenturyLink QC and 02-1134 with Frontier Communications of Minnesota, Inc..

C. If the carrier has either filed a 911 plan or has been an operational provider of local services, the 911 system integrator, if known, will be notified of the revocation of the carrier's certificate of authority by being placed on the service list for this docket. Qwest is the 911 system integrator for the metropolitan area. Level III Communications, LLC is the underlying carrier for FTTH's reseller 911 Plan.

D. For facilities-based carriers, the North American Numbering Plan Administrator (NANPA) should be notified of the relinquishment of the carrier's certificate of authority so that any NXX blocks assigned to the carrier may be returned to NANPA.

NANPA has been added to the service list for this docket. _____

NANPA has not been added to the service list for this docket. Explain: FTTH operated as a reseller and had no number resources.

Carrier did not have facilities-based authority. _____

- E. For competitive local exchange carriers, the Universal Service Administrative Company (USAC) has been notified of the revocation, so they can discontinue paying funds to the affected carrier.
- USAC has been added to the service list for this docket. ¹ _____
- USAC has not been added to the service list for this docket. Explain: FTTH did not receive Universal Service funding.
- F. Other issues (specify): None.

IV. RECOMMENDATION OF THE DEPARTMENT

- A. Revoke the carrier's authority. Note:
- 1) FTTH has paid its outstanding regulatory assessment of \$29.42. Additional assessments and/or refunds will be based on the amount of 2014 revenues reported.
 - 2) FTTH must file its 2014 Minnesota Jurisdictional Annual Report by May 1, 2015.
 - 3) The Department of Public Safety and the Metropolitan Emergency Services Board, 911 plan administrators, are added to the service list of this docket.
 - 4) Qwest Corporation d/b/a CenturyLink QC and Frontier Communications of Minnesota, Inc., parties to FTTH's interconnection agreements, are added to the service list of this docket.
 - 5) Level III Communications, LLC, underlying carrier for FTTH's 911 plan, is added to the service list of this docket.
- B. Revoke the carrier's authority subject to the following:
- C. Inactivate carrier from the Commission's Master Contact List until a Disconnection Order is issued.

¹ When handling relinquishments or revocation dockets, the Department analyst should check to see whether the affected carrier is on the list of high cost low income companies by going to www.usac.org and clicking the blue tab entitled "high cost." Next click on "disbursement data search" under "high cost tools" in the left hand column and type "MN" into the box marked "State." The address of this page is <http://www.usac.org/hc/tools/disbursements/default.aspx>. Check the list of low income companies for all names that the affected carrier has ever used. If the affected carrier is on the USAC list, then send the Department comments to Karen at USAC. Otherwise, send the Department comments to Legal at USAC.