

April 8, 2013

Dr. Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

Re: Possible Amendment to Rules Governing Utility Proceeding, Practice, and Procedure, Minnesota Rules Chapter 7829, excluding part 7829.2550, which is subject to a separate pending rulemaking MPUC Docket No. U-999/R-13-24

Dear Dr. Haar:

Enclosed please find CenturyLink's Comments regarding the above-referenced matter.

Very truly yours,

/s/ Jason D. Topp

Jason D. Topp

JDT/bardm

Enclosures

cc: Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_13-24_Official
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_13-24_Official
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_13-24_Official
Burl W.	Haar	burl.haar@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_13-24_Official
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**STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

Beverly Jones Heydinger	Chair
David Boyd	Commissioner
Nancy Lange	Commissioner
J. Dennis O'Brien	Commissioner
Betsy Wergin	Commissioner

**Possible Amendment to Rules Governing
Utility Proceeding, Practice, and Procedure,
Minnesota Rules Chapter 7829, excluding
part 7829.2550, which is subject to a separate
pending rulemaking**

MPUC Docket No. U-999/R-13-24

CENTURYLINK'S COMMENTS

Introduction

CenturyLink submits these comments in response to the Commission's Request for Comments on proposed changes to Minn. R. 7829.2550. For the most part, CenturyLink supports the proposed changes to the rules as properly updating their content to reflect changes in applicable law and in the manner in which parties practice before the Commission. Silence in these comments should be considered support for the amended proposed rule published by the Commission.

Comments on Specific Sections

Proposed Rules 7829.0100, Subp. 18, and 7829.0500 – Protected Data

The issue of marking and filing protected data poses difficult burdens on parties that appear before the Commission. At certain times, parties file documents that have been provided to it by third parties (for example, in litigation and regulatory proceedings in other states) and been marked as confidential in those contexts by the third parties. In other circumstances, the same documents being filed in Minnesota are simultaneously being filed

in other states. The costs associated with marking the documents with Minnesota-specific language, and, in particular, creating redacted versions of those documents for filing in Minnesota, impose enormous costs that provide little benefit to Minnesota citizens.

These costs could be significantly reduced through a variety of alternative approaches. Of course, such approaches need to be made consistent with the Minnesota Data Practices Act.¹ CenturyLink respectfully suggests that the Commission explore the methods used by other state agencies to determine if a less burdensome method exists for protecting confidential information while at the same time meeting the obligation to make public information available under the Data Practices Act. Alternatively, a workshop might be an appropriate vehicle to determine whether or not a less burdensome means of meeting the requirements of the Act exists.

Rule 7829.3000 – Petition after Commission Decision

The 20 day deadline in this rule has historically provided a potential trap to parties that wish to appeal a Commission decision under Minn. Stat. Chapter 237 in state court. Minn. Stat. § 14.63 imposes a 30 day deadline for seeking Certiorari review of a “final” Commission decision.² Minn. Stat. §14.64 stays the deadline for appeal pending a petition for reconsideration, *only* if the petition is filed within 10 days:

If a request for reconsideration is made within ten days after the decision and order of the agency, the 30-day period provided in section 14.63 shall not begin to run until service of the order finally disposing of the application for reconsideration. Nothing herein shall be construed as requiring that an application for reconsideration be filed with and disposed of by the agency as a prerequisite to the institution of a review proceeding under sections 14.63 to 14.68.

¹ Minn. Stat. Chapter 13.

² This issue arises in telecommunications proceedings. Specific statutes in the energy area address this issue.

A party that does not completely decipher all of these provisions could easily make the mistake of filing a petition for reconsideration within the 20 day time period provided for in this rule, but waiting to appeal until after the reconsideration petition is resolved – a process that will usually take longer than the appeal deadline. Such a course of action would likely result in an appeal of an order under Chapter 237 being dismissed for missing the 30 day deadline provided for in Minn. Stat. §14.63.

In order to prevent a party from losing valid appeal rights based on the confusion between the 20 day reconsideration deadline in the rule and the 10 day deadline for preserving appeal, CenturyLink recommends that the following language should be inserted at the end of Subpart 1: “In order to stay the deadline for appeal provided in Minn. Stat. §14.63, a motion for reconsideration of an order pursuant to Minn. Stat. Chapter 237 should be filed within 10 days.”

Conclusion

CenturyLink appreciates the Commission’s efforts to update its rules and respectfully requests the Commission take into consideration its suggested modifications contained in these comments.

Dated this 8th day of April, 2013.

**QWEST CORPORATION DBA
CENTURYLINK QC**

/s/ Jason D. Topp _____
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