

STATE OF MINNESOTA

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

Chair
Commissioner
Commissioner
Commissioner
Commissioner

**In the Matter of the Petition of CenturyLink, Inc. for a Variance to
Minnesota Rules, part 7810.5800
Docket No. P-421/AM-14-255**

**REPLY COMMENTS OF
AARP and LEGAL SERVICES ADVOCACY PROJECT**

Pursuant to Minn. R. 7829.3000, CenturyLink submitted a Petition for Reconsideration of the Commission's order issued on August 11, 2014 ("Order"). In response to that petition, AARP and Legal Services submit the following comments.

AARP, on behalf of its 652,000 members in Minnesota, and Legal Services Advocacy Project (LSAP) submit these reply comments to urge the Commission again to reject CenturyLink's petition for reconsideration of the Commission's Order denying CenturyLink's request to change the 95% out-of-service repair standard. As we have stated in our previous comments and testified during the oral comment period, AARP and LSAP believe the service quality rules should not be waived during the pendency of the requested rulemaking proceeding. Moreover, any waiver or elimination of critical consumer protections should be based upon substantive evidence, not generalized statements contending that compliance with those protections is

burdensome to industry interests. In our opinion, CenturyLink has failed to provide this substantive evidence in the oral hearing, and we agree with the Commission's order that CenturyLink's *"lack of any quantification of associated costs undermines the company's claim that the standard imposes extraordinary costs and reduces the company's competitiveness"*.

Furthermore, AARP and LSAP believe that service quality is a key objective of the Commission's regulatory responsibilities under Minn. Stat. § 237.011. As we have testified previously telephone communication is a basic necessity, allowing older people to maintain social contact, preserve health and safety, and call for assistance in an emergency. People age 65 and older are more likely than any other age group to have landline telephone service in their home and have a justifiable expectation that their phone service will be repaired in a reasonable timeframe should they experience a loss of service.

In Minnesota as elsewhere, the telecommunications industry is in a state of transition. Copper wires and the associated power-independent TDM (time division multiplexed) form of transmission are giving way to fiber networks and the use of packet-based transmission, such as Internet Protocol (IP). Carriers are also increasing their reliance on wireless transmission. Many new information services have developed and continue to develop which are of great benefit to consumers (including developments in telehealth, telemedicine, electronic commerce, electronic government, and communications services for people with disabilities).

We believe there is no need to sacrifice important consumer protections simply because technology evolves as the evolution of networks does not necessarily result in effective competition and indeed could reduce competitive options. In fact, the level of competition that exists varies by product market and by geographic market. Unless and until the requested rulemaking proceeding demonstrates that effective competition exists in Minnesota, regulatory oversight and service quality measures remain essential to address market imperfections, including those that harm consumers, like prolonged service outages.

Thank you for the opportunity to express our position on this important matter. If you have any questions or would like more information please contact us at wphillips@aarp.org or relwood@mnlisap.org.

Dated: August 28, 2014

Respectfully submitted,



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AARP Minnesota
State Director



Ron Elwood
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