

STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger	Chair
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
John Tuma	Commissioner
Betsy Wergin	Commissioner

In the Matter of a Petition of
Lake County Minnesota for Designation as an
Eligible Telecommunications Carrier

Docket M-15-65

**COMMENTS OF
CITIZENS TELECOMMUNICATIONS COMPANY OF MINNESOTA, LLC**

On January 29, 2015, Lake County Minnesota d/b/a Lake Connections (“Lake County”) filed a petition asking the Minnesota Public Utilities Commission (“Commission”) to issue an order designating Lake County as an eligible telecommunications carrier (“ETC”). In a July 27, 2015 order, the Commission granted Lake County’s petition, subject to a number of conditions. On August 27, 2015, Lake County made a compliance filing which purported to satisfy all the conditions of the July 27th order. That filing included a “Transport Services Agreement”, a map reflecting Lake County’s service area, an advertising plan, and a certification on behalf of the County.

On August 28, 2015, the Commission issued a *Notice of Comment Period*, seeking comments on whether Lake County’s compliance filing satisfied the requirements of the July 27th order. In response, Citizens Telecommunications Company of Minnesota, LLC (“CTC-MN”) submits the following comments.

Ordering Clause 1

Ordering Clause 1 of the July 27th order identified four requirements that Lake County had to address in its compliance. Specifically, the order stated that the contract between Lake County and Lake Communications had to include the following provisions and commitments:

- a. Lake County is the entity legally and financially responsible for providing the section 254(c)(1) supported telecommunications service;
- b. Lake County serves as the point of contact for this Commission, the FCC, the Universal Service Administrator, and Tribal governments, as appropriate;
- c. Lake County is responsible for submitting required forms and certifications to this Commission, the FCC, the Universal Service Administrator, Tribal governments, as appropriate;
- d. Lake County will receive funding disbursements and be responsible for recordkeeping and coordinating any audits for members of the group.

The Transport Services Agreement appears to address these four items in Paragraph 3.1.1. The paragraph starts out by saying the Lake County is the financially and legally responsible entity, and then explicitly lists the four items the Commission mentioned in Ordering Clause 1. That construction would seem to comply with the Commission's requirements that it be clear that Lake County is responsible for these matters. However, the final sentence of paragraph 3.1.1 turns the preceding language on its head, stating that Lake Communications is responsible for all these matters, rather than Lake County¹.

Paragraph 3.8.2 of the Transport Services Agreement seems to further isolate Lake County from responsibility. The language there states that, "Provider agrees to defend, indemnify, and hold County harmless from any liability or legal responsibility for any noncompliance, or alleged noncompliance, with any applicable state and federal law and regulations". Thus, it does not appear that the Lake County compliance filing satisfies the Commission's requirements in Ordering Clause 1.

Ordering Clause 2

Ordering Clause 2 of the July 27th order required Lake County to "clearly show the responsibilities of Lake County and the voice telephony and related services vendor" with respect to several aspects of service. One of those aspects was "Resolution of customer complaints". Paragraph 3.5 of the Transport Services Agreement responds to resolution of customer complaints. The paragraph states that, "The Parties shall work cooperatively to the

¹ Page 2 of Transport Services Contract, "Provider agrees to perform these functions on behalf of the County and, to that end, shall comply, and is responsible for compliance, with all applicable state and federal law and regulations as it relates to the Telephone Services provided to End Users, including but not limited to collecting and remitting 911, TAP and TAM charges."

extent necessary to respond to and resolve customer complaints.” This language does not “clearly show the responsibilities of Lake County and the voice telephony and related services vendor”, as required by the Commission. Indeed, it has the effect of making neither company ultimately responsible for addressing customer complaints.

Another service aspect cited in Ordering Clause 2 is “Operations and Repair of telephony-related equipment”, which the Transport Services Agreement addresses in Paragraph 3.6. Here, the agreement says that, “When trouble is reported, the Parties will work cooperatively to isolate and resolve the trouble.” Again, this language does not “clearly show the responsibilities of Lake County and the voice telephony and related services vendor”. Rather, it muddies the water with respect to responsibility, and effectively shields both parties from any ultimate responsibility to address troubles. Further, Rule 7812.0700 of the Commission’s rules requires that, “An LSP [that is, a local service provider] is directly responsible to its customers for the quality of service provided to those customers. Nothing in this subpart may be interpreted or applied to impact the allocation of liability between two or more telecommunications service providers in connection with quality of service issues.” The joint responsibility approach in the Transport Services Agreement does not satisfy this rule. Thus, it does not appear that the Lake County compliance filing satisfies the Commission’s requirements in Ordering Clause 2.

Ordering Clause 4

Item “d” of Ordering Clause 4 required Lake County to “Document that it has revised its website to reflect the rates actually charged and update the vendor’s website or any related link that relates to its rates.” This has not been done. The County’s website still shows a price of \$29.99 for telephone service, which conflicts with the tariff material and other descriptions of its rates in this docket². Thus, it does not appear that the Lake County compliance filing satisfies the Commission’s requirements in Ordering Clause 4.

Conclusion

Lake County’s compliance filing does not satisfy all the requirements that the Commission laid out in its July 27th order. Until Lake County supplements its compliance

² Lake Communications website (www.lakeconnections.com), accessed September 18, 2015.

filing with additional material that does evidence full compliance, the Commission should not grant final approval to the Lake County petition for ETC designation.

Dated September 18, 2015

Respectfully submitted,

CITIZENS TELECOMMUNICATIONS COMPANY OF MINNESOTA, LLC.

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