

STATE OF MINNESOTA

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

In the Matter of Possible Amendment to Rules Concerning
White Pages Directory Publication and Distribution

P-999/R-13-459

**REPLY COMMENTS OF
CITIZENS TELECOMMUNICATIONS COMPANY OF MINNESOTA, LLC
and
FRONTIER COMMUNICATIONS OF MINNESOTA, INC.**

In a June 10, 2014 *Notice of Comment Period on Possible Rule Changes* (“Notice”), in this docket, the Minnesota Public Utilities Commission (“Commission”) sought comments from interested parties regarding possible amendments to the rules regarding white page directory publication and distribution. Initial comments were filed by July 31, 2014 by several parties. In this filing, Citizens Telecommunications Company of Minnesota, LLC and Frontier Communications of Minnesota, Inc. (collectively, “Frontier”) submit their reply comments. Specifically, Frontier responds to the comments of the Minnesota Department of Commerce (the “Department”) and the Minnesota Cable Communications Association (the “MCCA”).

Minnesota Department of Commerce

Regarding Rule 7810.2900 Subpart 1, the Department suggests that the Commission expand the first sentence to insert the words “and published”; that is, “Telephone directories should be regularly compiled *and published*...”¹. Frontier does not oppose this clarification.

¹ Department Comments, page 2.

Rule 7810.2950 Subpart 1 discusses the process by which a customer may request a printed directory from their local service provider. The rule indicates that the requesting customer would only be required to provide their name and delivery address in making that request. The Department has concerns about the way that this customer information may be used by the local service provider. To that end, the Department would modify the proposed rule so that a person requesting a printed directory from their local service provider would only be required to supply the carrier with a delivery address². Frontier disagrees, and contends that the requirements of the proposed rule are appropriate. Under the proposed rule, a carrier has an obligation to provide complete directories to its customers; but it does not have an obligation to provide directories to the general public, that is to people that are not their customers. To clearly determine whether the request for a printed directory comes from a customer or a non-customer, the customer's request should provide both a name and a delivery address.

The Department also suggests some additional language be inserted to Rules 7811.0600 and 7812.0600³. The suggested insertion would state that, "Directories may be in portable physical electronic media unless the customer indicates a preference for printed media or the carrier does not offer portable physical electronic media." This idea of "portable physical electronic media" is nowhere else addressed in the proposed rules, and Frontier is not clear about what exactly this terminology is intended to mean. Frontier does not believe that the Department's suggested changes are appropriate.

Minnesota Cable Communications Association

As a preliminary item, the MCCA notes that the matter of directories is addressed in three Rule Chapters (7810, 7811, and 7812) and suggests that removing the topic from Rule Chapter 7810 and addressing it only in Rule Chapters 7811 and 7812 would clarify matters⁴. Frontier does not disagree.

MCCA notes that, currently, most competitive local service providers do not themselves publish or distribute white page directories⁵. Rather, they rely upon incumbent local exchange carriers ("ILECs") or third party directory publishers to carry out this function, generally through

² Department Comments, page 4.

³ Department Comments, page 6.

⁴ MCCA Comments, page 2.

⁵ MCCA Comments, page 5.

some kind of contractual agreement. MCCA suggests that the rules be crafted in such a way as to codify this existing arrangement, and offers a number of changes to the proposed rules to effect this. Frontier is concerned that taking this approach will effectively change the requirement to provide directories from a “local service provider obligation” to an “ILEC obligation”. Indeed, MCCA’s suggestion that a “complete directory” must include listings for every local service customer and not just the customers served by the local service provider publishing the directory⁶ furthers this shift of responsibility to the ILECs. If the ILEC is obligated to compile and publish the directory listings for every local service customer (including those of competitive carriers), then there really is no directory obligation for competitive carriers at all. The current directory obligations of competitive carriers (which they are currently fulfilling through agreements with ILECs) largely disappear, and the ILEC is left shouldering the entire burden of providing directories to all.

In previous comments in this docket, MCCA has discussed the federal requirement regarding directories and directory listings⁷. The federal rules require that ILECs provide competitive carriers with access to the ILECs directory listing databases, and accept from competitive carriers the listings of their customers⁸. The rule does not impose an obligation on ILECs to proactively gather all directory listing information for customers of competitive carriers, as MCCA’s proposal would seem to require. MCCA’s proposed definition of “complete directory” to include listings for every local service customer goes far beyond the federal rules. The Commission should reject this approach.

MCCA also proposes that directories must include not just the office location of the carrier providing the directory, but also the office locations of any competitive carriers⁹. This obligation effectively forces a carrier’s directory to include free advertising to its competitors. The Commission should reject this requirement.

Conclusion

Frontier generally supports the Commission’s proposed rules, as they are shown in the Notice. As discussed above, Frontier does not oppose the Department’s proposed change to Rule

⁶ MCCA Comments, page 4.

⁷ MCCA Comments filed in this docket on December 6, 2013, page 5.

⁸ FCC Rule 51.217.

⁹ MCCA Comments, page 6.

7810.2900 Subpart 1. In addition, Frontier does not oppose MCCA's proposal to delete the rules related to directories from Rule Chapter 7810 and consolidate all the material into Rule Chapters 7811 and 7812. Frontier opposes the other changes suggested by the Department and the MCCA.

Dated August 11, 2014

Respectfully submitted,

CITIZENS TELECOMMUNICATIONS COMPANY OF MINNESOTA, LLC
FRONTIER COMMUNICATIONS OF MINNESOTA, INC.

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