



MID-MINNESOTA LEGAL AID
Legal Services Advocacy Project

June 17, 2015

Mr. Dan Wolff
Executive Secretary
Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, Minnesota 55101-2147

Re: Docket No. 15-417

Qwest Corporation d/b/a CenturyLink QC
Initial Filing – Directory Listing Rate Increase

Dear Mr. Wolf:

The Legal Services Advocacy Project (LSAP) respectfully submits the attached comments and recommendation in relation to the tariff filed in the above-referenced docket, filed December 2, 2014 by CenturyLink that would increase the rates for non-published and non-listed telephone numbers. Thank you for consideration of LSAP's comments and recommendation.

Sincerely,

Ron Elwood
Supervising Attorney

**STATE OF MINNESOTA
BEFORE THE PUBLIC UTILITIES COMMISSION**

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

Qwest Corporation d/b/a CenturyLink QC
Initial Filing – Directory Listing Rate Increase

Docket No.: 15-417

Comments and Recommendation of Legal Services Advocacy Project re: Proposed Increases

The Legal Services Advocacy Project (LSAP) is a statewide division of Mid-Minnesota Legal Aid, representing Legal Aid and the interests of low-income Minnesotans through legislative and administrative advocacy, research, and community education activities. LSAP raises a series of questions and makes a recommendation for the consideration of the Minnesota Public Utilities Commission (the Commission) in this docket.

Questions Concerning Proposed Increases

CenturyLink proposes to increase its rates for non-published numbers from \$2.45 to \$3.45 per month and its rates for non-listed numbers from \$1.15 to \$2.15 per month. LSAP raises the following questions for the Commission to consider when determining whether to approve the filing:

1. CenturyLink proposes a 40% increase in its non-published number rate and an 87% increase in its non-listed number rate. The hefty percentage increases are startling. One of CenturyLink's justifications for the increase is that "one of [its] strategic initiatives is to standardize rates across all territories within the Company."¹ Standardized rates could be accomplished by an increase of lesser magnitude than 40% and 87%, respectively, for the two services. The Commission should question the magnitude of the percentage increases.

¹ Qwest Corporation d/b/a CenturyLink QC., *Statement in Support of the Filing* (filed May 1, 2015).

2. If approved, CenturyLink's rate for non-published numbers would not only be the highest of any company, but it would be 72.5% higher than the lowest cost rate. In addition to rate standardization across its territory (which again is not furthered by having the highest rate in the state), CenturyLink argues that "this increase is intended to address revenue challenges of the Company."² If those challenges are allegedly due to competition, then it is counterintuitive that competition should force an increase in prices, no less an increase that vaults CenturyLink to the top of the pack. Competition should not spur a "race to the highest price" but rather, as CenturyLink argues repeatedly in this and other dockets and forums, should lower or moderate prices. The Commission should question whether there is sufficient justification for increase CenturyLink proposes.

Recommendation for Commission Consideration

For some of Legal Aid's clients, non-published and non-listed numbers is not discretionary, it maintaining the confidentiality about their whereabouts is a matter of safety and, not infrequently, life or death, for themselves and their children. These clients and their children are not only victims of violence in their households, but also are indigent or otherwise financially imperiled.

In just the last 10 years alone, according to the Minnesota Coalition for Battered Women (MCBW), more than 325 women and children have been killed in domestic or child abuse incidents.³ Further, according to the most recent MCBW fact sheet, Minnesota courts handled more than 27,000 domestic violence cases in 2011.⁴

Increases in non-published and non-listed numbers disproportionately impact Legal Aid's clients and other low-income Minnesotans who are victims of domestic and other forms of violence for whom privacy is a paramount concern and who are often financially distressed and vulnerable.

² Id.

³ Minnesota Coalition for Battered Women, *2014 Femicide Report (2014)*.

⁴ Minnesota Coalition for Battered Women, *Domestic Violence Fact Sheet*; at http://media.wix.com/ugd/f4bdb8_71c51665a18193dd139c43cd9f0699e4.pdf

LSAP recommends that the Commission consider including in the proposed tariff revision and in all tariffs of companies offering non-published and non-listed number services a provision that provides for a waiver of all charges for customers who can demonstrate: (1) they or their children are victims of violence in need of non-published and non-listed number services protection and (2) are recipients of public assistance or eligible for Legal Aid services.

Neither of these exceptions is new as far as Minnesota law is concerned. Under Chapter 504B of Minnesota Statutes, victims of violence who need to flee their rental dwellings in fear of their safety may break their leases without penalty.⁵ Documentation from a “court official” or “qualified third party” is required.⁶ The documentation from the court and the qualified third party, evidencing and confirming the violence, is explicitly spelled out.⁷ Further, several sections of Minnesota law create exceptions for indigent persons and persons eligible for Legal Aid services that require production of proof of eligibility for these programs and services.⁸

It would further the public interest and equity considerations to provide a waiver of charges for non-published and non-listed number services for persons who can show they are victims of violence and have an inability to pay based on receipt of public assistance or eligibility for legal aid services. LSAP respectfully requests the Commission consider this recommendation.

⁵ Victims of violence subject to the protections provided under this statute are clearly defined. They are: (1) domestic abuse, as that term is defined under Minn. Stat. § 518B.01, subd. 2; (2) criminal sexual conduct under sections Minn. Stat. §§ 609.342 to 609.3451; or (3) stalking, as that term is defined under Minn. Stat. § 609.749, subd. 1. See Minn. Stat. § 504B.206, subd. 1.

⁶ “Court official” is defined under the statute to mean: a judge, referee, court administrator, prosecutor, probation officer, or victim’s advocate, whether employed by or under contract with the court, who is authorized to act on behalf of the court. “Qualified third party” is defined under the statute to mean a person, “acting in an official capacity, who has had in-person contact with the tenant” and is: (i) a licensed health care professional operating within the scope of the license; (ii) a domestic abuse advocate, as that term is defined in Minn. Stat. § 595.02, subd. 1, para.(l); or (iii) a sexual assault counselor, as that term is defined in Minn. Stat. § 595.02, subd. 1, para. (k). See Minn. Stat. § 504B.206, subd. 6.

⁷ Valid documentation includes: (1) a valid order for protection issued under chapter 518B; (2) a no contact order currently in effect, issued under Minn. Stat. § 629.75 or chapter 609; (3) a writing produced and signed by a court official, acting in an official capacity, documenting that the tenant or authorized occupant is a victim of domestic abuse, as that term is defined under Minn. Stat. § 518B.01, subd.2, criminal sexual conduct, under Minn. Stat. §§ 609.342 to 609.3451, or stalking, as that term is defined under Minn. Stat. § 609.749, subd. 1; (4) a writing produced and signed by a city, county, state, or tribal law enforcement official, acting in an official capacity; or (5) a statutory form containing the name of the qualified third party and an attestation that the person is a victim of domestic abuse, criminal sexual conduct, or stalking and fears imminent violence against the individual or authorized occupant if the individual remains in the leased premises. See Minn. Stat. § 504B.206, subd. 6.

⁸ See, e.g. Minn. Stat. § 168B.07, subd. 2(c) (providing that a person who presents documentation “from a government or nonprofit agency or legal aid office” that the vehicle owner receives “relief based on need, or is eligible for legal aid services has the unencumbered right to retrieve any and all contents without charge and regardless of whether the registered owner pays incurred charges or fees, transfers title, or reclaims the vehicle”); and Minn. Stat. , ch. 550, 570, 571 (exempting persons who are recipients of public assistance from levy, attachment, and garnishment).