

September 12, 2014

Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce**  
Docket No. P6640/RV-14-762  
In the Matter of the Revocation of Minnesota Fiber Exchange LLC's Certificate of Authority.

Dear Dr. Haar:

Attached is the Department of Commerce's (Department's) checklist for processing revocation dockets. The checklist reflects the Department's analysis of the issues relating to the requirements of Minnesota law and the Commission's rules to support the revocation.

Minnesota Fiber Exchange LLC (Company) originally received facilities based local and interexchange authority in Docket No. P6640/NA-07-549 on August 24, 2007.

*The docket was opened on:* September 4, 2014

*The carrier's last known address:* John Schultz, Minnesota Fiber Exchange LLC, 176 Rutherford Road, Stillwater, MN 55082

Minnesota Statutes §237.16, subd. 5 states in part, "any certificate of authority may, after notice of hearing and a hearing, be revoked or temporarily suspended, in whole or in part, for: ...failure to meet the terms and conditions of its certificate..."

*Recommended Action:* Revocation of Minnesota Fiber Exchange LLC's certificate of authority

*Conditions of Revocation:* None

The Department intends to petition the Commission to require that all carriers discontinue their services to the carrier pursuant to Minn. Stat. 237.121 (a)(6). For administrative efficiency, this petition will be filed at a future time with other carriers that have recently relinquished their authority or have recently had their authority revoked. A separate docket number will be assigned to that petition. Affected carriers should be placed on inactive status on the Commission's Master Contact List pending final discontinuance.

Sincerely,

/s/ BRUCE L. LINSCHIED  
Financial Analyst

BLL/ja  
Attachment

Company: Minnesota Fiber Exchange LLC  
Docket No.: P6640/RV-14-762

## CHECKLIST FOR PROCESSING STANDARD REVOCATIONS OF CERTIFICATES OF AUTHORITY

### I. TYPE OF CERTIFICATION

- A. Local Exchange Certificate of Authority (Docket No.\_\_\_\_)
- B. Long Distance Certificate of Authority (Docket No. 07-549)
- C. Local Niche Certificate of Authority (Docket No. 07-549)

### II. REVOCATION PROCESSES THAT APPLY TO ALL CERTIFICATES

- A. Carrier's last known address is no longer valid. The Department's mailing to Minnesota Fiber Exchange LLC (MFE) was returned to sender on August 18, 2014, and no forwarding address is known.
- B. Carrier's last known telephone numbers are no longer in service. MFE's telephone number is no longer in service.
- C. Carrier cannot be reached electronically (electronic mail or internet). Email to MFE's web address could not be delivered.
- D. Carrier filed its last annual report in (year) 2013.
- E. The Minnesota Secretary of State's records show that the carrier no longer holds a certificate to do business in Minnesota. MFE's registration status is active and in good standing. Its last annual renewal of its registration was on December 30, 2013. No annual renewal has been filed in 2014. Its renewal due date is December 31, 2014.
- F. The Commission's Consumer Affairs Office (CAO) complaint records do not indicate that the carrier continues to provide service in Minnesota. The Commission's Consumer Affairs Office reports no complaints received against MFE.
- G. Any assessments or fees unpaid to the Department, Commission, Metropolitan 911 Board, or Department of Public Safety remain the responsibility of the carrier. Ernest has unpaid regulatory fees of: MFE has no outstanding regulatory assessments.
  - Company is current with filing annual reports.
  - Intrastate jurisdictional revenue would be needed to enable assessment for the following past years: MFE reported zero revenues in 2013, cannot be contacted in 2014, and appears to have no current operations so that a 2014 Jurisdictional Annual Report is not required..
  - Annual reports for past years should be pursued:
    - Yes
    - No

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Intrastate jurisdictional revenue will need to be filed by May 1 of the following year if company had intrastate revenues in current year, and regulatory assessment should be pursued:

Yes  No

- H. The docket history of this company has been checked to verify that the authority of the company has not been addressed within an acquisition docket. If the revocation was addressed within an acquisition docket, a separate revocation docket may not be required.
- I. Other: None

### III. REVOCATION PROCESSES THAT APPLY ONLY TO LOCAL CERTIFICATES

- A. The carrier's 911 plan, filed in Docket No. \_\_\_\_\_, should be cancelled. If the carrier has filed a 911 plan and has operational or conditional authority to provide local services, the Minnesota Department of Public Safety, and, if applicable, the Metropolitan 911 Board, will be notified of this recommendation by being placed on the service list for this docket. MFE is not required to have a 911 Plan for its local niche and long distance authorities.
- B. Any Incumbent Local Exchange Carriers (ILECs) that have interconnection agreements with the carrier should be notified that the carrier no longer has authority to provide telecommunications services in Minnesota and services should no longer be offered under its interconnection agreement(s). The parties to those interconnection agreements have been notified of this recommendation by being placed on the service list in this docket. MFE has no interconnection agreements.
- C. If the carrier has either filed a 911 plan, or has been an operational provider of local services, the 911 system integrator, if known, will be notified of the revocation of the carrier's certificate of authority by being placed on the service list for this docket. Qwest is the 911 system integrator for the metropolitan area. MFE does not have a 911 Plan as a local niche and long distance provider.
- D. For facilities-based carriers, the North American Numbering Plan Administrator (NANPA) should be notified of the relinquishment of the carrier's certificate of authority so that any NXX blocks assigned to the carrier may be returned to NANPA.
- NANPA has been added to the service list for this docket. \_\_\_\_\_
- NANPA has not been added to the service list for this docket. Explain:
- Carrier did not have facilities-based authority. \_\_\_\_\_
- E. For competitive local exchange carriers, the Universal Service Administrative Company (USAC) has been notified of the revocation, so they can discontinue paying funds to the affected carrier. \_\_\_\_\_

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- USAC has been added to the service list for this docket. <sup>1</sup> \_\_\_\_\_  
 USAC has not been added to the service list for this docket. Explain: MFE does not receive USF funding.

F. Other issues (specify): \_\_\_\_\_

#### IV. RECOMMENDATION OF THE DEPARTMENT

- A. Revoke the carrier's authority. \_\_\_\_\_
- B. Revoke the carrier's authority subject to the following: (RESTATE ALL ACTIONS THAT ARE TO BE TAKEN):
- C. Inactivate carrier from the Commission's Master Contact List until a Disconnection Order is issued.

/ja

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<sup>1</sup> When handling relinquishments or revocation dockets, the Department analyst should check to see whether the affected carrier is on the list of high cost low income companies by going to [www.usac.org](http://www.usac.org) and clicking the blue tab entitled "high cost." Next click on "disbursement data search" under "high cost tools" in the left hand column and type "MN" into the box marked "State." The address of this page is <http://www.usac.org/hc/tools/disbursements/default.aspx>. Check the list of low income companies for all names that the affected carrier has ever used. If the affected carrier is on the USAC list, then send the Department comments to Karen at USAC. Otherwise, send the Department comments to Legal at USAC.

## **CERTIFICATE OF SERVICE**

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce  
Checklist - Comments**

**Docket No. P6640/RV-14-762**

Dated this 12<sup>th</sup> day of September 2014

**/s/Sharon Ferguson**

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	No	OFF_SL_14-762_14-762
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_14-762_14-762
Pete	Eggimann	PEGGIMANN@MN-MESB.ORG	Metropolitan Emergency Services Board	2099 University Ave W Ste 201  St. Paul, MN 551043431	Electronic Service	No	OFF_SL_14-762_14-762
Burl W.	Haar	burl.haar@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	No	OFF_SL_14-762_14-762
Lori	Hershey		Neustar/NANPA	46000 Center Oak Plz  Sterling, VA 20166-6579	Paper Service	No	OFF_SL_14-762_14-762
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	No	OFF_SL_14-762_14-762
Karen	Majcher	kmajcher@usac.org	Universal Service Administrative Company	2000 L St NW Ste 200  Washington, DC 20036	Electronic Service	No	OFF_SL_14-762_14-762
John	Schultz	jschultz@u-rekabroadband.com	U-reka Broadband Ventures, LLC	176 Rutherford Rd  Stillwater, MN 55082	Paper Service	No	OFF_SL_14-762_14-762
Dana	Wahlberg	dana.wahlberg@state.mn.us	Department of Public Safety	Town Square Ste 137 444 Cedar St St. Paul, MN 551015126	Electronic Service	No	OFF_SL_14-762_14-762