



Moss & Barnett

June 26, 2020

*Via e-Filing*

Mr. Will Seuffert  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
St. Paul, MN 55101-2147

Re: In the Matter of the Petition of XO Communications Services, LLC for Approval of Partial  
Discontinuance of Services and Variance  
MPUC Docket No. P999/CI-20-359

In the Matter of Local Service Providers' Filings under Minnesota Rules 7812.0600 and  
7811.0600  
MPUC Docket Nos.: P6422/M-20-354

Dear Mr. Seuffert:

Enclosed via e-filing, on behalf of XO Communications Services, LLC and MCImetro Access  
Transmission Services Corp. ("Verizon"), please find Verizon's Comments and Certificate of Service  
with respect to the above-referenced matters.

Sincerely,

**Richard J. Johnson**  
Attorney at Law  
P: (612) 877-5275  
Rick.Johnson@lawmoss.com

RJJ/keb  
Attachments  
cc: Parties of Record

6346847v1

**STATE OF MINNESOTA**

**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

Katie Sieben	Chair
Joseph K. Sullivan	Vice-Chair
Valerie Means	Commissioner
Matthew Schuerger	Commissioner
John Tuma	Commissioner

	MPUC Docket Nos.:
In the Matter of the Petition of XO Communications Services, LLC for Approval of Partial Discontinuance of Services and Variance	P999/CI-20-359,

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**VERIZON’S COMMENTS**

XO Communications Services, LLC (“XO”) and MCImetro Access Transmission Services Corp. (collectively “Verizon”) submit these comments in response to the Minnesota Public Utility Commission’s (Commission) Notice of Supplemental Comment Period issued on May 29, 2020.

The Minnesota Telecommunications Act of 1995 and the Federal Telecommunications Act of 1996 encourage and endorse the development of competition in local telecommunications services. The ability to respond to customers’ needs with an appropriate product mix is part of a competitive market. This means that carriers need the ability to discontinue under-utilized products to put resources into areas that better meet customer demand. Imposing unnecessary regulatory roadblocks or long timelines to these types of business decisions does not align with the fundamental purposes of state and federal telecommunications law – spurring competition. For these reasons, Verizon fully supports the Commission’s willingness to consider updating its

discontinuance rules to simplify the process and shorten approval timelines. XO's pending petition for partial discontinuance of certain intrastate services should be granted now without being deferred while the Commission considers broader issues.

**A. The Commission should grant XO's Petition now without deferral for resolution of other issues.**

XO filed the Petition in this docket requesting any necessary consents and approvals from the Commission for the partial discontinuance of an intrastate business voice service to all customers except XO's existing federal, state and local government agency customers and educational institutional customers on a grandfathered basis. The Petition also requested a variance of Minn. R. 7812.0600, subp. 1, to the extent a variance is necessary. The Minnesota Department of Commerce (the "Department") recommended approval of the Petition and a granting of a variance of Minn. R. 7812.0600, subp. 1.<sup>1</sup> No other parties have filed comments on the Petition.

The Commission does not need to wait for a resolution of the industry-wide issues being investigated in Docket No. P999/CI-20-359 in order to act on XO's Petition. As noted by the Department, discontinuance for XO will not adversely affect the public interest because any disconnected customers have a variety of options to obtain service.<sup>2</sup> Accordingly, XO requests that the Commission approve its Petition.

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<sup>1</sup> *In the Matter of XO Communications Services, LLC for Approval of Partial Discontinuance of Services and Variance*, Docket No. P6422/M-20-354, Reply Comments (Apr. 9, 2020) ("Department April 9 Reply Comments").

<sup>2</sup> Department April 9 Reply Comments at 5. *See also* Petition at 4 (noting disconnected customers can obtain service from MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services, Qwest Corporation d/b/a CenturyLink, Embarq Minnesota, Inc. d/b/a CenturyLink, Frontier Communications of Minnesota, Inc., and Citizens Telecommunications Company of Minnesota, LLC).

**B. The Commission should amend Minn. R. 7812.0600, subp. 1A and 6 so that a local service provider discontinuing a regulated voice service for business customers must only provide notification to those customers, and need not confirm transition before the discontinuance can occur.**

Affirmative confirmation the business customer has transitioned is not necessary. The required 60-day notice to customers is ample time for businesses to select an alternative provider and migrate their services. Businesses are sophisticated customers (in fact many businesses have a department that is dedicated to overseeing all of their communications needs) and have numerous options in choosing an alternative provider. When a business customer has received proper notice, there is no public interest benefit associated with requiring the local service provider to ensure every business customer has transitioned their services to an alternative provider before discontinuing service.

**C. The Commission should amend Minn. R. 7812.0600, subp. 1A and 6 to allow local service providers to discontinue a regulated intrastate voice service for business customers without Commission approval if no objections or concerns are raised following the 60 day notice to the Commission, Department, and Office of Attorney General.**

In undertaking its recent multi-state endeavor to partially discontinue services, XO found that only a handful of states require a filing with the state commission (beyond just filing the tariff revisions) prior to a partial discontinuance of intrastate services to a subset of business customers where the provider is not completely exiting the business.<sup>3</sup> In many states, notice to the customer sufficed, with a smaller number of states requiring notice to the state utility commission in addition to the customer.

Additionally, in connection with XO's pending Petition to partially discontinue basic local business service, customers were notified of XO's plans through a variety of channels starting in

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<sup>3</sup> As of the date of this filing, approval has been granted in all states except Minnesota.

June 2019 (e.g. bill messages, notice letters, personal outreach). As a result, Minnesota customers had more than eight months to voice objections to the Department or Commission. None did.

Waiting on additional action by the Commission under these circumstances seems unnecessary. Accordingly, the Commission should amend its rules to allow discontinuance to proceed without Commission involvement, or at least provide for automatic approval if no objections or concerns are timely raised by customers.

**D. The Commission should remove the obligation to include in the notice a list of available alternative local service providers or any other unregulated options known to the carrier, and should not add a new obligation that the notice include contact information for the Consumer Affairs Office.**

For the discontinuance of regulated voice service to business customers, carriers should not have to provide a list of the local service providers or any other unregulated options. Again, business customers are sophisticated consumers and information on alternative providers is readily available – including on the Commission’s website. Internet search engines also allow a business customer to make a more detailed inquiry based on its service needs. This form of targeted search is more likely to produce meaningful results for the business than a generic list of providers.

**E. The Commission should not add a new obligation that the notice include contact information for the Consumer Affairs Office.**

A customer notice which contains the list of services that will be discontinued and the date services will be disconnected if they do not transition their services to another provider, should be sufficient information for a business customer to take action to find an alternative provider. The paths available for filing a complaint with the Consumer Affairs Office are prominently featured on the Commission’s website. For those interstate services regulated by the FCC, there are also regulations and notice requirements that provide the customer with information about objecting to a discontinuance.

Verizon appreciates the Commission's consideration of its comments and the Commission's willingness to revisit whether its current requirements align with the increasingly competitive market for telecommunications services to business customers. A less burdensome process would not harm the public interest, rather it would give providers the flexibility to place more resources into those products customers need and want.

Dated: June 26, 2020

**Respectfully submitted,**

**XO COMMUNICATIONS SERVICES, LLC**

**MCIMETRO ACCESS TRANSMISSION  
SERVICES CORP.**

By its counsel:

\_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

MPUC Docket Nos:

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Communications Services, LLC for Approval  
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7811.0600

Karen E. Berg certifies that on the 26th day of June, 2020, she filed a true and correct copy of the Verizon's Comments on behalf of XO Communications Services, LLC and MCI metro Access Transmission Services Corp., by positing it on [www.edockets.state.mn.us](http://www.edockets.state.mn.us). Said document was also served via e-mail as designated on the Service List on file with the Minnesota Public Utilities Commission and attached hereto.

*/s/ Karen E. Berg*

Karen E. Berg

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 280  Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_20-359_Official
Brent	Christensen	bchristensen@mnta.org	Minnesota Telecom Alliance	1000 Westgate Drive, Ste 252  St. Paul, MN 55117	Electronic Service	No	OFF_SL_20-359_Official
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400  St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-359_Official
Shannon	Heim	shannon.heim@lawmoss.com	Moss & Barnett A Professional Association	150 S. 5th Street, Suite 1200  Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-359_Official
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_20-359_Official
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350  Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-359_Official
Jason	Topp	jason.topp@centurylink.com	CenturyLink	200 S 5th St Ste 2200  Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-359_Official



First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 280  Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_20-354_M-20-354
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400  St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-354_M-20-354
Dan	Craigie	daniel.craigie@state.mn.us	Department of Public Safety	445 Minnesota St. Suite 1725 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-354_M-20-354
David	Denton	david.denton@state.mn.us	DPS ECN	445 Minnesota Street Suite 137 St. Paul, Minnesota 55101	Electronic Service	No	OFF_SL_20-354_M-20-354
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_20-354_M-20-354
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280  Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_20-354_M-20-354
Carey	Gagnon	carey.gagnon@verizonwireless.com	Verizon Wireless	3131 S Vaughn Way #550 FL 5  Aurora, CO 80014	Electronic Service	No	OFF_SL_20-354_M-20-354
Shannon	Heim	shannon.heim@lawmoss.com	Moss & Barnett A Professional Association	150 S. 5th Street, Suite 1200  Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-354_M-20-354
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_20-354_M-20-354
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350  Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-354_M-20-354

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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_20-354_M-20-354