

February 11, 2016

Daniel P. Wolf
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
In the Matter of the Revocation of Yestel USA, Inc.'s Certificate of Authority**
Docket No. P6598/RV-16-49

Dear Mr. Wolf:

The Department of Commerce (Department) has reviewed and analyzed the current filing. Attached is the 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.

Yestel USA, Inc. originally received long distance authority in Docket No. P6598/NA-06-1302.

The docket was opened on: January 20, 2016

The carrier's last known address:

Peter Cheung
Yestel USA, Inc.
816 Peace Portal Drive
Blaine, WA 98230

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 Yestel USA, Inc.'s Certificate of Authority

Conditions of Revocation: Unpaid regulatory assessments will proceed in standard collections process.

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/lt
Attachment

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. P6598/NA-06-1302)
- C. Local Niche Certificate of Authority (Docket No. P6598/NA-06-1302)

II. REVOCATION PROCESSES THAT APPLY ALL CERTIFICATES

- A. Carrier's last known address is no longer valid. Mail addressed to Jennifer Ong, Financial Controller; 411 E. Huntington Drive, Suite 205; Arcadia, CA 91006 was returned to the Department on December 28, 2012. Yestel USA, Inc. (Carrier) was acquired by Times Telecom, Inc. (Parent) in Docket No. 07-608. Department of Commerce Regulatory Information Center attempted calls and emails to Carrier and Parent and received no response. This matter was referred to the Department's Telecom staff on September 8, 2015.
- B. Carrier's last known telephone numbers are no longer in service. Telephone calls were made on October 6, 2015 to the Carrier's contact number (616-574-7440) that was disconnected, and a message was left at Parent's number (604-279-8787) at the Carrier's new address, 816 Peace Portal Drive, Blaine, WA 98280. On September 11, 14, 15 and 16, 2015, a customer service representative from Opex Long Distance (Opex) explained that Opex is managing Yestel's accounts, but further attempts with Opex to understand whether Yestel provides service in Minnesota were unsuccessful. The Department's additional attempts to learn whether Yestel provides service in Minnesota were directed to Carrier and Parent. A February 3, 2016 call to Yestel at another address, 4345 E. Lowell St, Ste. B, Ontario, CA 91761-2223 (310-517-8278), received the message from AT&T that the number is not in service.
- C. Carrier cannot be reached electronically (electronic mail or internet). Attempts were made to contact Parent on September 9 and November 4, 2015 and January 8, 2016. No responses were received on behalf of the Carrier.
- 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. Carrier was not registered with the Minnesota Secretary of State on February 3, 2016.
- F. The Commission's Consumer Affairs Office (CAO) complaint records do not indicate that the carrier continues to provide service in Minnesota. The CAO reports no complaints against Carrier.

G. Any assessments or fees unpaid to the Department, Commission, Metropolitan 911 Board, or Department of Public Safety remain the responsibility of the carrier. The Carrier has outstanding invoices totaling \$45.48.

Company is current with filing annual reports. _____

Intrastate jurisdictional revenue would be needed to enable assessment for the following past years: 2014

Annual reports for past years should be pursued:

Yes No The Carrier no longer appears to be operating in Minnesota, and attempts to contact Carrier have been unsuccessful. The cost to pursue the reports is unlikely to be successful and will produce a small assessment in relationship to the cost to pursue the annual report and to assess the company.

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. The Carrier was acquired by Times Telecom, Inc. (Parent) in Docket No. 07-608, but all attempts to contact Parent regarding Carrier were unsuccessful (see II.A and B).

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. _____

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. The carrier's interconnection agreement(s) were approved in Docket Nos. _____.

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. _____

- 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. _____
- USAC has been added to the service list for this docket. ¹ _____
- USAC has not been added to the service list for this docket. Explain: _____
- 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): Unpaid regulatory assessments will proceed in standard collections process.
- C. Inactivate carrier from the Commission's Master Contact List until a Disconnection Order is issued.

¹ 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 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. P6598/RV-16-49

Dated this 11th day of February 2016

/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_16-49_RV-16-49
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_16-49_RV-16-49
Peter	Cheung	peter.cheung@timestelecom.ca	Yestel USA, Inc.	816 Peace Portal Dr PMB#202 Blaine, WA 98230	Electronic Service	No	OFF_SL_16-49_RV-16-49
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_16-49_RV-16-49
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_16-49_RV-16-49
Beth	Sprague	beth.sprague@neustar.biz	Neustar/NANPA	21575 Ridgetop Circle Sterling, VA 20166	Electronic Service	No	OFF_SL_16-49_RV-16-49
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_16-49_RV-16-49
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	No	OFF_SL_16-49_RV-16-49