

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

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

In the Matter of the Complaint by the Minnesota Department of Commerce Against the Charter Affiliates Regarding Transfer of Customers

DOCKET NO. P-6716, 5615/C-14-383

**COMMENTS OF THE OFFICE OF
THE ATTORNEY GENERAL**

Charter implemented a business plan in 2013 to evade regulation of its services in the state of Minnesota, and to create a competitive advantage for itself. Although it had organized and provided services as a CLEC for many years, and had solicited and signed-up its customers pursuant to the certificates of authority issued by the state, Charter quietly shifted its customers to a new business entity without notification to its customers or the Commission. Charter now tells the Commission that this unilateral and secretive transfer is the ultimate regulatory loophole, placing Charter beyond the reach of the Commission, exempting it from important consumer protections and participation in mandatory state programs for low-income households, and shielding it from regulation of its services by the state.

There will not be a more clear challenge to the authority of this Commission to regulate telecommunications services. Minnesota’s regulation of CLECs is not optional, and Charter cannot be allowed to unilaterally opt out. The Office of the Attorney General – Residential Utilities and Antitrust Division (“OAG”) submits the following in response to the Commission’s request for comments on the formal complaint filed against Charter by the Department of Commerce. The OAG urges the Commission to exercise its regulatory authority over Charter—

regulatory authority that unquestionably exists—to invalidate the company’s unauthorized and unlawful assignment of its customers to affiliates. As outlined in the Department’s complaint, Charter has committed multiple violations of Minnesota law.

I. PROCEDURAL HISTORY

On September 26, 2014, the Minnesota Department of Commerce (“Department”) filed a complaint against four entities (collectively “Charter”). Two of the entities, Charter Fiberlink CC VIII, LLC¹ and Charter Fiberlink, CCO, LLC² (the “Fiberlink entities”) have operated pursuant to Minnesota certificates of authority as Competitive Local Exchange Carriers (“CLECs”)³ since approximately 1999 and 2009, respectively. The Fiberlink entities resold local, long distance, and private line services to residential customers in Minnesota. In March, 2013, Charter transferred all Minnesota residential customers of the Fiberlink entities to the other two entities named in the Department’s complaint, Charter Advanced Service (MN), LLC and Charter Advances Services VIII (MN), LLC (the “Advanced entities”). The mass transfer of customers from the Fiberlink entities to the Advanced entities was done without notice or regulatory approval.

In March of 2014, one year after the transfer, Charter filed applications with the Federal Communications Commission to discontinue and modify services in several states, including

¹ See *Order*, Docket No. P5615/NA-99-834 (Sept. 2, 1999).

² See *Order* Docket No. P6716/NA-09-240 (Aug. 17, 2009); see also *Order*, Docket No. P6716/NA-09-240 (May 13, 2010).

³ See generally Minn. R. 7812.2210 (2013) (governing CLECs, including requirements for tariff filings and changes, non-discriminatory pricing, regulating promotions, prohibitions of deceptive or misleading pricing, prohibiting certain practices, governing interconnection agreements, requiring Commission approval to discontinue service, requiring participation in the 911/TAM/TAP programs, addressing consumer protection and disclosures, allowing assessment for regulatory expenses, addressing mergers and acquisitions, allowing Commission investigations of complaints, allowing enforcement of Minnesota laws and imposition of penalties, and requiring annual reporting to the Department, among other things).

Minnesota. One of these applications described Charter's undisclosed transfer of customers as follows:

The Charter Fiberlink Companies are state-certificated competitive local exchange carriers that historically have offered the subject services as tariffed basic local exchange service. On March 1, 2013, **the Charter Fiberlink Companies assigned the rights to serve their residential interconnected VoIP service customers to the Charter Advanced Services Companies in accordance with provisions in their customer service agreements.**⁴

The filing with the FCC did not disclose that the assignment took place without regulatory approval or notification. The applications filed with the FCC also referenced "changes in state law and related changes in [Charter's] operations" as a reason Charter was no longer required to participate in the mandated Telephone Assistance Program ("TAP") in Minnesota, which coordinates with the federal Lifeline program to provide financial assistance for telephone service to low-income households.⁵ The purported "changes in state law" were not disclosed in the application.

The Department subsequently filed comments in the FCC dockets initiated by Charter, stating that Charter would not be in compliance with Minnesota law if the applications were granted.⁶ Charter subsequently withdrew its request to implement the changes outlined in the applications in Minnesota,⁷ although the dockets remain open as to several other states in which Charter provides service.⁸ As summarized by the Commission,⁹ the Department's Complaint in

⁴ *Complaint* (Sept. 26, 2014), Attach. B at 3-4. (Emphasis added.)

⁵ *Section 63.71 Application*, Federal Communications Commission WC Docket No. 14-67 at 3-4. (A copy of the full document is provided as **Ex. A** because the copy filed by the Department as Attachment A to its Complaint omits the relevant pages.) *See also* Minn. R. 7812.2210, subp. 13 (2013) (mandating CLEC participation in TAP pursuant to Minn. Stat. §§ 237.701 & 403.11).

⁶ *Complaint* (Sept. 26, 2014), Attach. C at 1 and Attach. D at 1.

⁷ Copies of Charter's October 1, 2014 letters withdrawing the applications are attached as **Ex. B** and **Ex. C**.

⁸ *See* Federal Communication Commission WC Docket Nos. 14-67 and 14-68.

⁹ *Order* (Nov. 18, 2014) at 1-2.

this docket alleges that Charter's actions constitute multiple violations of Minnesota's laws and rules, including:

- A. **Slamming and Loading.** The transfers violated Minnesota's anti-slamming and anti-loading statutes, Minn. Stat. §§ 237.661 and 237.663.
- B. **Certification Requirement.** The Advanced Entities are serving the transferred customers without first obtaining a certificate of authority, violating Minn. Stat. § 237.16, subd. 1, Minn. Stat. § 237.74, subd. 12, Minn. R. 7812.0200, subp. 1, and Minn. R. 7812.0300.
- C. **Acquisition of Property, Assets, Obligations of Another Company.** The transfers violated the property-acquisition statute, Minn. Stat. § 237.23.
- D. **Basic Service Requirements.** The transfers violated the basic service requirements of Minn. R. 7812.0600, including the prohibition of service provider withdrawal from service territories without notice to customers and regulators and without ensuring continuity of service.
- E. **Telecommunication Access Minnesota (TAM).** Charter violated Minn. Stat. § 237.52, subd. 3, by ending its collection and remittance of the statutory surcharges that fund the TAM program, which provides specialized services and equipment to communication-impaired Minnesota residents.
- F. **Telephone Assistance Program (TAP).** Charter violated Minn. Stat. § 237.70 by (1) ending its collection and remittance of the statutory surcharges that fund the TAP, which provides bill credits to low income customers; and (2) by ceasing to offer TAP benefits to newly-qualifying customers.
- G. **Unfair Competition.** The Advanced Entities sought and obtained an unfair competitive advantage over other local service providers by advertising the absence of TAM and TAP surcharges that they are failing to collect and remit in violation of Minnesota law.
- H. **Violation of Commission Order.** Charter's refusal to extend TAP benefits to newly-qualifying customers violates a Commission order adopting a settlement between the Department and Charter Fiberlink, LLC and Charter Telephone of Minnesota, LLC.
- I. **Inconsistent Representations in Earlier Case.** Charter's claims of exemption from Commission regulation conflict with claims Charter made in an earlier case to secure interconnection rights dependent on being subject to state regulation.
- J. **Annual Reports and Regulatory Assessments.** Charter violated Minn. Stat. § 237.295, subd. 2, by failing to file annual reports and pay the regulatory assessments that fund Minnesota regulatory activities.

The Department seeks (1) an order requiring Charter to comply with Minnesota Statutes chapter 237; (2) an order determining that Charter has knowingly and intentionally violated the provisions noted above, Minn. Stat. §§ 237.09, 237.74, 237.121(a)(3), and 237.121(b), and Minn. R. 7812.2210, subp. 9, and is therefore subject to enforcement proceedings pursuant to Minn. Stat. §§ 237.74 and 237.461, subd. 2, with penalties to be determined by a court; (3) an order determining that Charter has intentionally violated Minnesota law and Commission rules pertaining to the provision of telephone or telecommunications services and is therefore subject to revocation or suspension of its certificate of authority pursuant to Minn. Stat. § 237.16; and (4) such other relief as the Commission deems just and reasonable.¹⁰

On November 18, 2014, the Commission found that it has jurisdiction over the Department's complaint, ordered Charter to answer the complaint, and commenced an investigation.¹¹ The Commission also found that, contrary to Charter's assertion, the record at this point does not demonstrate that the FCC has preempted the Commission's authority over Charter's services or the allegations in the Department's complaint.¹² The Commission found that its "statutory responsibilities to protect Minnesota consumers, ensure fair and reasonable competition in the local telecommunications market, and maintain or improve the quality of service" justified its decision to investigate and retain jurisdiction of the complaint,¹³ and characterized the Department's allegations as raising "serious consumer-protection concerns."¹⁴

On December 18, 2014, Charter answered the Department's Complaint. Charter alleges that federal law preempts regulation by Minnesota of its services, that Minnesota law does not

¹⁰ *Id.* at 3.

¹¹ *Id.* at 5.

¹² *Id.* at 4-5.

¹³ *Id.* at 5 (*citing* Minn. Stat. § 237.011).

¹⁴ *Id.* at 5.

impose regulations on its services, and that the Department's allegations lack merit.¹⁵ Importantly, although Charter's arguments and affirmative defenses focus almost entirely on federal preemption, Charter concedes before even making its argument that "the FCC has not yet formally spoken as to the statutory classification of interconnected VoIP."¹⁶

II. CHARTER CANNOT UNILATERALLY OPT-OUT OF REGULATION BY THE STATE OF MINNESOTA BY SECRETELY TRANSFERRING ITS CUSTOMERS TO AN AFFILIATED ENTITY.

The OAG recognizes the limited nature of the comments requested by the Commission at this early stage of the proceedings,¹⁷ and provides an initial analysis of the issues raised by the Department's complaint. The complaint raises fundamentally important issues regarding the Commission's authority to regulate retail providers in the evolving field of telecommunications. Without question, issues of federal preemption of state law commonly arise in the provision of some VoIP services.¹⁸ As the Commission already found, however, the FCC has not clearly preempted state regulation of fixed VoIP services (as opposed to nomadic VoIP services).¹⁹ Charter does not dispute this.²⁰ This case demonstrates one likely reason Charter cannot say with authority that regulation of its fixed VoIP services is preempted by federal law: it would be absurd to allow Charter to escape state regulation, evade important consumer protections and

¹⁵ *Answer* (Dec. 18, 2014) at 9-21.

¹⁶ *Id.* at 4.

¹⁷ *Order* (Nov. 18, 2014) at 6 (stating that "[a]ny person wishing to file initial comments *on the complaint*" may do so). (Emphasis added.)

¹⁸ See generally *Vonage Holdings Corp. v. Minn. Pub. Util. Comm.*, 290 F.Supp.2d 993 (D. Minn. 2003); *Vonage Holdings Corp. v. Minn. Pub. Util. Comm.*, 394 F.3d 568 (8th Cir. 2004); *Minn. Pub. Util. Comm. v. FCC et al.*, 483 F.3d 570 (8th Cir. 2007).

¹⁹ *Order* (Nov. 18, 2014) at 4-5 ("At this stage in the development of the record, it appears that both the FCC and the highest jurisdictional court to consider the issue, the United State Court of Appeals for the Eighth Circuit, have concluded that the FCC has not preempted state regulation of fixed VoIP services.") (citing *Minn. Pub. Util. Comm. v. FCC et al.*, 483 F.3d 570 (8th Cir. 2007)).

²⁰ See *supra*, n.16.

participation in mandatory programs, and create an unfair and anticompetitive advantage for itself by secretly assigning its customers to an affiliate, while maintaining service so consistent and interchangeable with its operation as a CLEC as to not even require notification of its customers of the transfer. Charter continues to provide service that is tied to a fixed location and is entirely comparable to its previous service as a CLEC, and its regulatory structure should likewise remain intact.

A significant body of case law exists as to federal preemption and the technical issues raised by the telecommunication industry's evolution from legacy services to VoIP and other advanced technologies. It is important to note that this is not one of those cases. Although Charter cites many cases in its lengthy Answer, issues raised by nomadic VoIP services and other geographic and technical issues are not implicated by Charter's transfer of its Minnesota customers from the Fiberlink entities to the Advanced entities. Charter continues to provide the same services to Minnesota customers after the transfer. Charter's actions in this case appear to be pure gamesmanship, and an attempt to unilaterally excuse itself from state regulation. Although Charter's Answer argues strenuously on the issues of federal preemption, the more serious issue is the motivation behind Charter's attempt to escape state regulation and the effects on its residential customers. These issues are not addressed in Charter's Answer.

Charter seems particularly tone-deaf to these concerns, claiming

There is no government interest even cited by the [Department] explaining why Charter's interconnected VoIP service should be treated as a "telephone service." It is not at all clear from the [Department's] Complaint what problem it is attempting to cure, other than to force Charter to comply with state government regulations merely for the sake of doing so.²¹

²¹ *Answer* (Dec. 18, 2014) at 19.

Putting aside the fact that Charter is attempting to shift its burden to the Department to prove it is entitled to transfer its Minnesota customers, the OAG disagrees with Charter and thinks the Department's Complaint made clear that there are multiple important interests implicated by Charter's unilateral action. The OAG is particularly concerned about the loss of consumer protections that are imposed on CLECs,²² along with the anticompetitive advantage of advertising less-costly service made possible by forgoing participation in programs mandated by the Minnesota legislature for CLECs competing with Charter.²³ In addition, Charter's unilateral withdrawal from the TAP and TAM programs require *all* participating telecommunications providers' customers to subsidize the loss to those programs. As the trade secret data in the Department's Complaint makes clear, that loss is significant.²⁴ In this way, the impact of Charter's actions are not limited to only Charter's customers; the Commission has the obligation to address this issue on behalf of all Minnesota customers who participate in the TAP and TAM programs.

The OAG urges the Commission to exercise its regulatory authority over Charter. At minimum, the Fiberlink entities have clearly consented to Commission jurisdiction and the assignment of Charter's customers to the Advanced entities can be addressed on that basis alone. Charter's attempts to make this docket solely about federal preemption should be resisted. Although the Commission will have to address the issue because it has been asserted as a defense, the OAG encourages the Commission to focus on the important consumer protection and competition issues it already identified in its November 18 Order. Charter's services to its

²² *See supra*, n.3.

²³ *Complaint* (Sept. 26, 2014), Attach. F at 1-2.

²⁴ *Complaint* (Sept. 26, 2014) at 6.

customers have not changed, and the Commission should continue its exercise of authority of Charter as required by Minnesota law.

III. CONCLUSION

For the foregoing reasons, the OAG urges the Commission to address the important consumer protection and anticompetitive issues raised by the Department's complaint. The Commission's authority in this area has not been preempted by federal law, and the facts of this case do not support a viable basis for preemption.

Dated: January 16, 2015

Respectfully submitted,

LORI SWANSON
Attorney General
State of Minnesota

s/ James W. Canaday
JAMES W. CANADAY
Assistant Attorney General
Atty. Reg. No. 030234X

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ATTORNEYS FOR OFFICE OF THE
ATTORNEY GENERAL—RESIDENTIAL
UTILITIES AND ANTITRUST DIVISION

DOCKET FILE COPY ORIGINAL

Received & Inspected

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

MAR 11 2014

FCC Mail Room

In the Matter of)
)
 Section 63.71 Application of)
)
 CHARTER FIBERLINK CA-CCO, LLC,)
 CHARTER FIBERLINK CCO, LLC,)
 CHARTER FIBERLINK CC VIII, LLC,)
 CHARTER FIBERLINK - TENNESSEE, LLC,)
 CHARTER FIBERLINK TX-CCO, LLC,)
 CHARTER ADVANCED SERVICES (CA),)
 LLC, CHARTER ADVANCED SERVICES)
 (MN), LLC, CHARTER ADVANCED)
 SERVICES VIII (MN), LLC, CHARTER)
 ADVANCED SERVICES (TN), LLC,)
 CHARTER ADVANCED SERVICES (TX),)
 LLC, CHARTER ADVANCED SERVICES)
 (WI), LLC and CHARTER ADVANCED)
 SERVICES VIII (WI), LLC)
)
 For Authority to Discontinue)
 Interconnected VoIP Service)

RECEIVED

MAR 13 2014

FCC-Competition Policy Division

Docket No. _____

SECTION 63.71 APPLICATION

CC Fiberlink, LLC, through its undersigned counsel and pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, hereby files this Application on behalf of its affiliates Charter Fiberlink CA-CCO, LLC, Charter Fiberlink CCO, LLC, Charter Fiberlink CC VIII, LLC, Charter Fiberlink - Tennessee, LLC, Charter Fiberlink TX-CCO, LLC (collectively, the "Charter Fiberlink Companies") and Charter Advanced Services (CA), LLC, Charter Advanced Services (MN), LLC, Charter Advanced Services VIII (MN), LLC, Charter Advanced Services (TN), LLC, Charter Advanced Services (TX), LLC, Charter Advanced Services (WI), LLC and Charter Advanced Services VIII (WI), LLC (collectively, the "Charter Advanced



Services Companies”) to discontinue offering certain discounted interconnected VoIP services in California, Minnesota, Tennessee, Texas and Wisconsin.

In support of its Application, CC Fiberlink submits the following information:

Names and address of carriers:

This Application is submitted on behalf of Charter Fiberlink CA-CCO, LLC, Charter Fiberlink CCO, LLC, Charter Fiberlink CC VIII, LLC, Charter Fiberlink - Tennessee, LLC, Charter Fiberlink TX-CCO, LLC, Charter Advanced Services (CA), LLC, Charter Advanced Services (MN), LLC, Charter Advanced Services VIII (MN), LLC, Charter Advanced Services (TN), LLC, Charter Advanced Services (TX), LLC, Charter Advanced Services (WI), LLC and Charter Advanced Services VIII (WI), LLC. The address for all of the Charter Fiberlink Companies and the Charter Advanced Services Companies is:

12405 Powerscourt Drive
St. Louis, Missouri 63131

Date of planned service discontinuance

The Charter Fiberlink Companies and Charter Advanced Services Companies intend to discontinue offering the services described in this Application to new customers as soon as federal approval may be obtained. The Charter Fiberlink Companies currently have no customers for the services. The Charter Advanced Services Companies have no current plans to discontinue the services to their existing customers.

Points of geographic areas of service affected

Charter Fiberlink CA-CCO, LLC and Charter Advanced Services (CA), LLC currently offer the services that are the subject of this Application in parts of the State of California. Charter Fiberlink CCO, LLC, Charter Fiberlink CC VIII, LLC, Charter Advanced Services (MN), LLC and Charter Advanced Services VIII (MN), LLC currently offer the services that are

the subject of this Application in parts of the State of Minnesota. Charter Fiberlink - Tennessee, LLC and Charter Advanced Services (TN), LLC currently offer the services that are the subject of this Application in parts of the State of Tennessee. Charter Fiberlink TX-CCO, LLC and Charter Advanced Services (TX), LLC currently offer the services that are the subject of this Application in parts of the State of Texas. Charter Fiberlink CCO, LLC, Charter Fiberlink CC VIII, LLC, Charter Advanced Services (WI), LLC and Charter Advanced Services VIII (WI), LLC currently offer the services that are the subject of this Application in parts of the State of Wisconsin.

Brief description of the type of service affected

The Charter Fiberlink Companies and Charter Advanced Services Companies propose to discontinue offering to new customers discounted interconnected VoIP services that are marketed to qualifying residential customers as Lifeline service in California, Tennessee, Texas and Wisconsin and as Telephone Assistance Plan service in Minnesota. These services provide local calling at a discounted rate. The Charter Fiberlink Companies currently have no customers for these services. The Charter Advanced Services Companies have no current plans to discontinue the services to their existing customers.

The Charter Fiberlink Companies and Charter Advanced Services Companies provide voice communication services exclusively in the form of interconnected VoIP service. The Charter Fiberlink Companies are state-certificated competitive local exchange carriers that historically have offered the subject services as tariffed local exchange service pursuant to requirements of state laws in the states in which they operate. On March 1, 2013, the Charter Fiberlink Companies assigned the rights to serve their residential interconnected VoIP service customers to the Charter Advanced Services Companies in accordance with provisions in their

customer service agreements. Because of changes in state laws and related changes in their operations, the Charter Fiberlink Companies no longer are required to offer these discounted services to qualifying residential customers. The Charter Advanced Services Companies have never been required by state law to offer these or similar discounted services.

The Charter Fiberlink Companies currently have no customers for the services. The Charter Advanced Services Companies have decided to discontinue offering these services to new customers only. None of the Charter Fiberlink Companies or the Charter Advanced Services Companies is an eligible telecommunications carrier or receives state or federal reimbursement for discounting the price of these services. Similar discounted services are available in the Service Areas from incumbent local exchange carriers and other eligible telecommunications carriers.

Brief description of the dates and methods of notice to all affected customers

The Charter Fiberlink Companies and Charter Advanced Services Companies have not provided any customer notices because there are no affected customers. The Charter Fiberlink Companies currently have no customers for the affected services, and the Charter Advanced Services Companies propose only to discontinue offering the affected services to new customers. The Charter Advanced Services Companies intend to continue providing the affected services to their existing customers at the same rates, terms and conditions at which they currently provide the services to those customers until individual customers voluntarily terminate their service or until service to individual customers is terminated for non-payment or violation of the terms of service. In the event that the Charter Advanced Services Companies in the future decide to discontinue providing the affected services to their then-existing customers, they will provide the

then-existing customers with appropriate notice and submit a Section 63.71 application for authority to do so.

Non-dominance of the carrier with respect to the service to be discontinued

The services to be discontinued are interconnected VoIP services. Accordingly, the Charter Fiberlink Companies and the Charter Advanced Services Companies are non-dominant with respect to the services as a matter of law.

Service

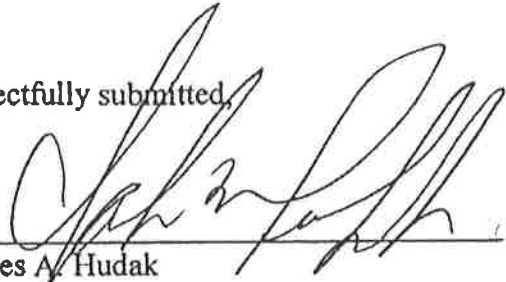
In accordance with Section 63.71 of the Commission's rules, CC Fiberlink has mailed copies of this Application to the Governors of the States of California, Minnesota, Tennessee, Texas and Wisconsin, the California Public Utilities Commission, the Minnesota Public Utilities Commission, the Tennessee Regulatory Authority, the Public Utility Commission of Texas, the Public Service Commission of Wisconsin and the United States Secretary of Defense.

Conclusion

The public convenience and necessity will not be adversely affected by the discontinuance of the offering of these services because no existing customer will be affected and comparable services are available from other providers in the market. CC Fiberlink respectfully requests that the Commission approve the Section 63.71 Application of the Charter Fiberlink Companies and the Charter Advanced Services Companies to discontinue offering discounted local interconnected VoIP service to existing customers marketed as Lifeline service in California, Tennessee, Texas and Wisconsin and as Telephone Assistance Plan service in Minnesota.

Questions regarding this application may be addressed to the undersigned.

Respectfully submitted,



Charles A. Hudak
Charles V. Gerkin, Jr.
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770-395-0000 (Fax)
chudak@fh2.com
cgerkin@fh2.com

Dated: March 10, 2014

MAR 11 2014

CERTIFICATE OF SERVICE

FCC Mail Room

I hereby certify that the foregoing Section 63.71 Application of Charter Fiberlink CA-CCO, LLC, Charter Fiberlink CCO, LLC, Charter Fiberlink CC VIII, LLC, Charter Fiberlink - Tennessee, LLC, Charter Fiberlink TX-CCO, LLC, Charter Advanced Services (CA), LLC, Charter Advanced Services (MN), LLC, Charter Advanced Services VIII (MN), LLC, Charter Advanced Services (TN), LLC, Charter Advanced Services (TX), LLC, Charter Advanced Services (WI), LLC and Charter Advanced Services VIII (WI), LLC was served by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses listed below.

Secretary of Defense
Attn: Special Asst. for Telecommunications
The Pentagon
Washington, D.C. 20301

Governor Edmund G. Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Governor Mark Dayton
Office of the Governor and Lieutenant Governor
130 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Minnesota Public Utilities Commission
121 7th Place East, Suite 350
Saint Paul, MN 55101-2147

Governor Bill Haslam
Office of the Governor
1st Floor, State Capitol
Nashville, TN, 37243

Tennessee Regulatory Authority
502 Deaderick Street
4th Floor
Nashville, TN 37243


Governor Rick Perry
Office of the Governor
1100 San Jacinto Blvd, Suite 151B
Austin, Texas 78701

Public Utility Commission of Texas
1701 N. Congress Ave.
PO Box 13326
Austin, TX 78711-3326

Governor Scott Walker
Office of the Governor
115 East Capitol
Madison, WI 53702

Public Service Commission of Wisconsin
P.O. Box 7854
Madison, Wisconsin 53707-7854

This 10 day of March, 2014.



Charles V. Gerkin, Jr.

FRIEND, HUDAK & HARRIS, LLP

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October 1, 2014

VIA Electronic Comment Filing System

Federal Communications Commission
Wireline Competition Bureau
Competitive Policy Division
Washington, DC 20554
Attn: Rodney McDonald, Esq.

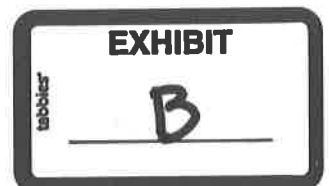
Re: Docket No. WC-14-67; Competition Policy Division File No. 1148

Dear Mr. McDonald:

We represent CC Fiberlink, LLC ("CC Fiberlink"), which filed in the referenced docket a Section 63.71 application (the "Application") requesting the Commission's authorization for certain affiliates of CC Fiberlink to discontinue offering to new customers discounted interconnected VoIP services that are marketed, *inter alia*, as Telephone Assistance Plan service in Minnesota (the "Services").

By this letter, CC Fiberlink withdraws its request for Commission authorization for Charter Fiberlink CCO, LLC, Charter Fiberlink CC VIII, LLC, Charter Advanced Services (MN), LLC and Charter Advanced Services VIII (MN), LLC to discontinue offering the Services to new customers in the State of Minnesota.

We understand that the Commission has deferred issuing a public notice seeking comments regarding the Application because of issues raised by the Minnesota Department of Commerce concerning the effect of the Application in Minnesota. Accordingly, CC Fiberlink hereby withdraws the request for authority to discontinue the Services in Minnesota so that the Commission may proceed to process the Application with respect to the remaining states included in the Application.



FRIEND, HUDAK & HARRIS, LLP
ATTORNEYS AT LAW

Federal Communications Commission
October 1, 2014
Page 2

Please direct any questions concerning the foregoing to the undersigned.

Very truly yours,

/s/ Charles V. Gerkin, Jr.
Charles V. Gerkin, Jr.
Counsel for CC Fiberlink, LLC

CVG/nh

cc (VIA email):

Alexander Hoehn-Saric
Michael R. Moore
CC Fiberlink, LLC
Charles A. Hudak
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October 1, 2014

VIA Electronic Comment Filing System

Federal Communications Commission
Wireline Competition Bureau
Competitive Policy Division
Washington, DC 20554
Attn: Rodney McDonald, Esq.

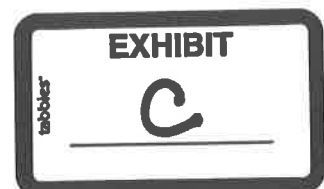
Re: Docket No. WC-14-68; Competition Policy Division File No. 1149

Dear Mr. McDonald:

We represent CC Fiberlink, LLC ("CC Fiberlink"), which filed in the referenced docket a Section 63.71 application (the "Application") requesting the Commission's authorization for certain affiliates of CC Fiberlink to discontinue offering interconnected VoIP services characterized as stand-alone basic local telephone service (the "Services") to new customers in certain states.

By this letter, CC Fiberlink withdraws its request for Commission authorization for Charter Fiberlink CCO, LLC, Charter Fiberlink CC VIII, LLC, Charter Advanced Services (MN), LLC and Charter Advanced Services VIII (MN), LLC to discontinue offering the Services to new customers in the State of Minnesota.

We understand that the Commission has deferred issuing a public notice seeking comments regarding the Application because of issues raised by the Minnesota Department of Commerce concerning the effect of the Application in Minnesota. Accordingly, CC Fiberlink hereby withdraws the request for authority to discontinue the Services in Minnesota so that the Commission may proceed to process the Application with respect to the remaining states included in the Application.



FRIEND, HUDAK & HARRIS, LLP
ATTORNEYS AT LAW

Federal Communications Commission
October 1, 2014
Page 2

Please direct any questions concerning the foregoing to the undersigned.

Very truly yours,

/s/ Charles V. Gerkin, Jr.
Charles V. Gerkin, Jr.
Counsel for CC Fiberlink, LLC

CVG/nh

cc (VIA email):

Alexander Hoehn-Saric
Michael R. Moore
CC Fiberlink, LLC
Charles A. Hudak
Rodney McDonald



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ATTORNEY GENERAL

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

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445 MINNESOTA STREET
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January 16, 2015

Dan Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

**RE: In the Matter of the Complaint by the Minnesota Department of Commerce Against
the Charter Affiliates Regarding Transfer of Customers
Docket No. P-6716, 5615/C-14-383**

Dear Mr. Wolf:

Enclosed and e-filed in the above-referenced matter please find Comments of the Office of the Attorney General - Residential Utilities and Antitrust Division.

By copy of this letter all parties have been served. An affidavit of service is also enclosed.

Sincerely,

s/ James W. Canaday

JAMES W. CANADAY
Assistant Attorney General

(651) 757-1421 (Voice)
(651) 296-9663 (Fax)

Enclosures
cc: Service List

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