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December 28, 2015

Daniel P. Wolf  
Executive Secretary  
Minnesota Public Utilities Commission  
121 Seventh Place E, Suite 350  
St. Paul, MN 55101-2147

Re: Initial Comments in Docket No.: P-6267, 5561/IC-15-1020

Dear Mr. Wolf,

Please find attached Hiawatha Broadband Communications' initial comments in the above mentioned docket.

If you have any questions, please contact me at 651.621.8322 or at [tgburns@otcpas.com](mailto:tgburns@otcpas.com).

Sincerely,

*s/ Thomas G. Burns*

Thomas G. Burns  
Consultant for Hiawatha Broadband Communications, Inc.

cc: Dan Pecarina

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

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

In the Matter of the Adoption of an Interconnection Agreement by Hiawatha Broadband Communications, Inc. Pursuant to Section 252(i)

Docket Number: P-6267, 5561/IC-15-1020

Hiawatha Broadband Communications, Inc. (HBC) submits the following comments to the questions posed by the Commission in the Notice dated December 9, 2015:

1. Does 252(i) grant HBC the right to adopt the Hutchinson/CenturyLink ICA without CenturyLink's participation or consent?

Yes. CLECs have the right to adopt an interconnection agreement pursuant to Section 252 (i) without being first being subjected to screening and a CenturyLink determination that the CLEC may or may not adopt the agreement.

As the Commission is well-aware, one of the most vigorously litigated issues in the HTI arbitration was what information Embarq must provide regarding its interconnection arrangements with other carriers. The Commission found in favor of HTI on that issue, requiring, among other things, that Embarq must "identify to HTI all its interconnection points within a given LATA, and to disclose specific information about each point."<sup>1</sup> In reaching its conclusion, the Commission found that it was "persuaded that CenturyLink EQ should provide HTI with information about the variety of interconnection points available to it, so that HTI can compare its alternatives and identify the most efficient choice."<sup>2</sup> Embarq's position, which would require HBC to specify where it intends to interconnect before it may opt in to the HTI agreement puts the cart before the horse. To adopt Embarq's argument would deprive HBC of a significant benefit of opting in to the HBC agreement.

2. Are there any terms or conditions in the Hutchinson/CenturyLink ICA (compliance filing of August 5, 2015 in Docket 14-183) that would warrant the Commission rejecting a request by HBC to adopt that ICA?

No. The Hutchinson/CenturyLink ICA does not contain terms which CenturyLink would not be obliged to provide to any requesting CLEC.

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<sup>1</sup> In the Matter of the Petition of Hutchinson Telecommunications for Arbitration of an Interconnection Agreement with CenturyLink EQ Pursuant to 47 U.S.C. § 252(b), MPUC Docket No. P-421, 5561, 430/ IC-14-189, Order Resolving Arbitration Issues And Requiring Filed Interconnection Agreement (June 15, 2015) at p. 2.

<sup>2</sup> Id. at p. 16.

3a Does HBC's letter filed on December 2, 2015 constitute a request to adopt the Hutchinson/CenturyLink ICA?

Yes. In the November 9, 2015 HBC letter to CenturyLink HBC clearly conveys its intent to adopt the Hutchinson/CenturyLink ICA. HBC's letter to the Commission echoes that request, and HBC reiterates its request to adopt the Hutchinson/CenturyLink arbitrated agreement which was approved by the Commission in Docket No. 14-189.

3b Does 252(e)(4), in the absence of Commission action, result in approval of HBC's request on January 1, 2016 (thirty days), or on March 1, 2016 (ninety days)?

Section 252(e)(4) establishes a thirty day period for state commission to act when addressing an arbitrated agreement, while a ninety day review period is established a negotiated agreement. Presumably the shorter review period for arbitrated agreements is because the terms and conditions of said agreement are fully vetted during the arbitration process. In that context the Hutchinson/CenturyLink agreement was arbitrated, and therefore the thirty day interval (January 1, 2016) should apply.

Respectfully submitted,

*/s/ Thomas G. Burns*

Thomas G. Burns