

Staff Briefing Papers

Meeting Date September 19, 2024

Agenda Item *1

Company

All Minnesota Telephone Companies and
Telecommunications Carriers

Docket No.

P999/CI-18-382

In the Matter of a Commission Inquiry to Examine Streamlining Procedures for Consent Dockets

Issues

1. Should the Commission extend the variance of Minn R. 7811.0200, 7812.0200, and 7829.1400 as described in the Commission's November 5, 2018 Order Varying Comment Periods in Certain Uncontested Dockets?
2. Should the Commission include Emergency Plan – 911 Plan (EP) dockets in the extended rule variance identified above?
3. How long should the rules be varied?

Staff

Marc Fournier

Marc.Fournier@state.mn.us

651-201-2214

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✓ Relevant Documents

Date

Staff Briefing Papers-October 4, 2018, Agenda

September 26, 2018

Commission's November 5, 2018, Order Varying Comment Periods in
Certain Uncontested Dockets

November 5, 2018

Comments of the Minnesota Department of Commerce

July 15, 2024

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

BACKGROUND

On November 5, 2018, the Minnesota Public Utilities Commission (Commission) issued its Order Varying Comment Periods in Certain Uncontested Dockets in the matter of a Commission inquiry to examine streamlining procedures for consent dockets. The November 5, 2018, Order required that the procedural schedules for the following telecommunications dockets types would be varied to require that reply comments would be due five calendar days after the Minnesota Department of Commerce (Department) files initial comments on uncontested dockets:

- New Authority (NA) Minn. Stat. § 237.16, subd. 1 (Minn Rules 7812.0200, subp. 7);
- Property Acquisition (PA) Minn. Stat § 237.23 (Minn. Rules 7829.1400, subps. 1 and 4);
- Relinquish Authority (RL) (Minn. Rules 7829.1400, subps. 1 and 4);
Service Authority (SA) (Minn. Rules 7812.0300, subp. 5; Minn. Rules 7829.1400, subps. 1 and 4);
- Alternative Miscellaneous (AM) (Minn. Rules 7829.1400, subps. 1 and 4); and
- Miscellaneous Changes (M) (Minn. Rules 7829.1400, subps. 1 and 4).

Additionally, the November 5, 2018, Order authorized staff to follow the streamlined process for undisputed service area amendments. The existing process for undisputed service area amendments is not set forth in rule, and the Commission deemed a proposed revised process to be consistent with applicable rules and no variance was required. The Commission declined to adopt the streamlined process for 911 filings.

Finally, on June 24, 2024, the Commission issued a Notice of Comment Period, in the current docket. In the Notice, the Commission opened the following topics for comment:

- The efficacy of extending the variance of Minn R. 7811.0200, 7812.0200, and 7829.1400 as described in the Attachment Commission's November 5, 2018 Order Varying Comment Periods in Certain Uncontested Dockets.
- The length of the variance extension.
- Any related issues the parties deem salient.¹

Under Minn. R. 7829.3200, subp. 1, the Commission will grant a variance to its rules when it determines that the following requirements are met:

- A. enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
- B. granting the variance would not adversely affect the public interest; and

¹ Background section is substantially the same background provided in the Minnesota Department of Commerce's July 15, 2024 comments at pages 1-2.

C. granting the variance would not conflict with standards imposed by law.

DISCUSSION

Department

The Department recommends that the current variance continue to remain in effect until the Commission determines otherwise. Under the Department's recommendation, the current variance, to Minn R. 7811.0200, 7812.0200, and 7829.1400, as initially approved in the Commission's November 5, 2018, Order would remain in effect for telecommunications dockets listed above.

Additionally, the Department pointed out that under the variance approved in the November 5, 2018 Order, a party could request a time extension in the event that more than five days were needed to file reply comments.

Finally, the Department indicated that while the November 5, 2018, Order declined to adopt the streamlined process for 911 filings made in Emergency Plan – 911 Plan (EP) dockets, the Department is unaware of an adverse impact that would result from applying the streamlined process to EP dockets. When a 911 plan is filed and an EP docket opened, the Commission's practice is not to deem the filing to be complete until the Minnesota Department of Public Safety (DPS) files comments recommending approval of the filing and, if applicable, the Metro Emergency Services Board (MESB) also files comments recommending approval of the filing. The Department's current practice is to wait for comments from DPS and MESB, recommending approval of the EP filing before filing comments with the Commission on the docket. The Department does not recall an EP docket where a party, aside from DPS, MESB or the carrier submitting the filing has filed comments on an EP docket. However, given that parties will have the opportunity to request a time extension to stay the issuance of the Commission's notice of approval on an EP docket, the Department believes the streamlined procedure would work effectively on EP dockets.²

No other party filed comments.

DECISION OPTIONS

Should the Commission extend the variances of Minn R. 7811.0200, 7812.0200, and 7829.1400 as described in the Commission's November 5, 2018, Order Varying Comment Periods in Certain Uncontested Dockets?

² Please see Minnesota Department of Commerce's July 15, 2024 comments at pages 2-3.

1. Find that the rule variance requirements of Minn. R. 7829.3200 are met and extend the variances of Minn R. 7811.0200, 7812.0200, and 7829.1400 as described in the Commission's November 5, 2018, Order (Department, Staff).

OR

2. Do not extend the variances of Minn R. 7811.0200, 7812.0200, and 7829.1400 as described in the Commission's November 5, 2018, Order.

Should the Commission include Emergency Plan – 911 Plan (EP) dockets in the extended rule variance identified above?

3. Find that the rule variance requirements of Minn. R. 7829.3200 are met and add Emergency Plan – 911 Plan (EP) dockets to the list of telecommunication docket types to which these rule variances apply (Department, Staff).

OR

4. Do not Include Emergency Plan – 911 Plan (EP) dockets in the rule variance.

How long should the rules be varied?

5. Grant the variances until December 31, 2030 (Staff).

OR

6. Grant a variances for a length of time as determined by the Commission.

