

Modified List of Commission Options
Docket: 14-383; May 5, 2015

7.11 Commission Options

A case of this complexity and nuance makes room for the Commission to craft a wide variety of responses. Staff's list of options below provides a basic skeleton to help frame possible Commission action.

- (1) Dismiss the Complaint finding that the FCC has preempted state action.
- (2) Dismiss the Complaint finding that the Commission does not have the authority under state law to regulate Charter's interconnected VoIP service.
- (3) Dismiss the Complaint finding that Charter's interconnected VoIP service is an information service as defined by Congress.
- (4) Refer ~~the~~ all issues raised in the matter to the Office of Administrative Hearings for a contested case proceeding. In the event the Administrative Law Judge finds that the Commission possesses authority to regulate Charter's interconnected VoIP service request the Judge determine whether Charter knowingly and intentionally violated Minnesota statutes and rules as alleged by DOC.
- (5) Find that Charter's interconnected VoIP service is a telecommunication service. Direct Charter to comply with all Minnesota's statutes and rules applicable to the provision of local telephone service. Direct Charter to file within 30 days of the Commission order a description of how Charter will comply with that order. Refer to the Office of Administrative Hearings for a contested case proceeding ~~all remaining issues, including the allegation that Charter knowingly and intentionally violated Minnesota statutes and rules by transferring its residential customers to Charter Advanced Services.~~ the following issues:
 - a. Did Charter offer and provide TAP support to all eligible customers requesting TAP support from March 1, 2013 to the present? Further, did Charter collect, report and remit TAP fees?
 - b. Did Charter offer and provide TAM support to all eligible customers requesting TAM support from March 1, 2013 to the present? Further, did Charter collect, report and remit TAM fees?
 - c. Did Charter provide adequate notice to its residential customers before transferring them to its unregulated affiliates?

(6) Take other action.

Staff recommends option 7 or 5.

(7) Find that Charter's interconnected VoIP service is a telecommunication service. Direct Charter to comply with all Minnesota's statutes and rules applicable to the provision of local telephone service. Direct Charter to file within 30 days of the Commission order a description of how Charter will comply with that order.

With respect to the allegations that Charter knowingly and intentionally violated Minnesota statutes and rules, consider the following options:

(8) Find that Charter knowingly and intentionally violated Minnesota statutes and rules.

(9) Find that Charter did not knowingly and intentionally violate Minnesota statutes and rules.

(10) Direct the parties to brief this issue. Delegate to the Executive Secretary the authority to establish timelines as appropriate.

(11) Defer action until the Administrative Law Judge submits findings and recommendations regarding any issues referred to the Office of Administrative Hearings for a contested case proceeding.

(12) Take other action.

(13) Take no action.

Staff makes no recommendation regarding options 8 through 13.