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September 26, 2014

PUBLIC DOCUMENT

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East Suite 350
St Paul Minnesota 55101-2147

RE: PUBLIC Comments of the Minnesota Department of Commerce
Docket No. P6716, P5615/C-14-383

Dear Dr. Haar:

Attached is the Formal Complaint of the Minnesota Department of Commerce against Charter Fiberlink CCO, LLC, Charter Fiberlink CC VIII, Charter Advanced Services (MN), LLC and Charter Advanced Services VIII (MN), LLC.

Sincerely,

/s/ GREGORY J. DOYLE
Manager, Telecommunications

GD/lt
Attachment

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

PUBLIC FORMAL COMPLAINT OF THE
MINNESOTA DEPARTMENT OF COMMERCE

DOCKET NO. P6716, P5615/C-14-383

I. BACKGROUND

Charter Fiberlink CC VIII, LLC was granted conditional certification by the Commission to provide facilities based and resold local, long distance and private line services in its September 2, 1999 Order in Docket No. P5615/NA-99-834.¹ In obtaining its certificate of authority, Charter Fiberlink CCO, LLC committed to meet the requirements of a Competitive Local Exchange Carrier (CLEC) as required by Minnesota Rule 7812.

Charter Fiberlink, CCO, LLC was granted conditional certification by the Minnesota Public Utilities Commission (Commission) to provide facilities based and resold local, long distance and private line services in its August 17, 2009 Order in Docket No. P6716/NA-09-240. In obtaining its certificate of authority, Charter Fiberlink CCO, LLC committed to meet the requirements of a CLEC as required by Minnesota Rule 7812. The conditional certification became operational when Charter Fiberlink CCO, LLC fulfilled the final compliance requirement of receiving Commission approval of a 911 plan on May 13, 2010.

On March 1, 2013, Charter Fiberlink CCO, LLC and Charter Fiberlink CC VIII, LLC (the Charter Fiberlink Companies) transferred their residential service customers to Charter Advanced Services (MN), LLC and Charter Advanced Services VIII (MN), LLC (the Charter Advanced Services Companies, and together with the Charter Fiberlink Companies, the Charter Affiliates or Charter). Neither of the Charter Advanced Services Companies holds a certificate of authority with the Public Utilities Commission to provide services in Minnesota. The Charter Affiliates did not provide notice or seek regulatory approval to transfer

¹ The Commission's September 2, 1999 Order in Docket P5615/NA-99-834 granted certification to Bresnan Telephone of Minnesota, LLC. The Commission's February 8, 2000 Order approved the acquisition of Bresnan Telephone of Minnesota, LLC by Charter Communications Holding Company, LLC in Docket P5615, 5535/PA-99-1679. Bresnan Telephone of Minnesota, LLC changed its name to Charter Telephone of Minnesota, LLC in the Commission's May 31, 2000 Order in Docket No. P5615/M-00-449. The assets of Charter Fiberlink, LLC were transferred to Charter Fiberlink CCO, LLC and Charter Telephone of Minnesota, LLC n/k/a Charter Fiberlink CC VIII, LLC in the Commission's August 17, 2009 Order in Docket P3058/M-09-241. In the Commission's August 17, 2009 Order in Docket P5615/M-09-239, the Commission approved the request of Charter Telephone of Minnesota to change the name on its certificate of authority to Charter Fiberlink CC VIII, LLC.

customers from the certified Charter Fiberlink Companies to the uncertified Charter Advanced Services Companies. After the transfer, the Charter Fiberlink Companies no longer offered or provided telecommunications services to Minnesota residential customers.

On March 10, 2014, CC Fiberlink, LLC, on behalf of its affiliates, which include the Minnesota Charter Affiliates, filed an application with the Federal Communications Commission (FCC) "For Authority to discontinue Interconnected VoIP Service" in Minnesota, California, Missouri, Nebraska and Tennessee. See Attachment A. The application was filed under Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and 47 C.F.R. § 63.71. The application stated that the Charter Affiliates:

... propose to discontinue offering to new customers discounted interconnected VoIP services that are marketed to qualifying residential customers....as Telephone Assistance Plan service in Minnesota. These services provided 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 application also stated:

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.²

CC Fiberlink, LLC, provided no explanation in the application of the relevant state law that it claimed had changed, nor any analysis of its legal claims.

On March 14, 2014, CC Fiberlink, LLC, on behalf of its affiliates, which include the Minnesota Charter Affiliates, filed an application with the Federal Communications Commission (FCC) "For Authority to discontinue Interconnected VoIP Service" in Minnesota, California, Tennessee, Texas and Wisconsin. See Attachment B. The application was filed under Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and 47 C.F.R. § 63.71. The application states that the Charter Affiliates "propose to discontinue offering to new customers interconnected VoIP services characterized as stand-alone basic local telephone service." The application also states: "The Charter Fiberlink Companies currently have no customers for these services," and "The Charter Advanced Services Companies currently offer these service to residential customers in California, Minnesota, Missouri, Nebraska and Tennessee and have no current plans to discontinue the services to their existing customers."

² Section 63.71 Application, p. 4.

On May 9, 2014, the Minnesota Department of Commerce (Department) filed comments on Charter's petitions before the FCC in WC Docket Nos. 14-67 and 14-68. See Attachments C and D hereto. In its comments, the Department stated if Charter were to discontinue offering what it describes as "interconnected Voice over Internet Protocol (VoIP) Services" in Minnesota (and various other states), it will result in Charter not complying with Minnesota regulatory requirements. The Department explained that there are certain regulatory requirements that apply to all certified local service providers in Minnesota, including the provision of single party, unbundled, voice-grade service, 911 service, a choice of long distance service providers, and the provision of Minnesota's low income assistance program, called the Telephone Assistance Plan (TAP). The Department stated that 1) Fiberlink companies transferred customers from a certified entity to an uncertified affiliate without approval of the MNPUC; 2) the certified Fiberlink companies are not meeting Minnesota regulatory requirements of local telephone services providers; and 3) the uncertified entity currently serving the transferred customers has not applied for, and does not meet, the requirements to have a certificate of authority in Minnesota.

Sections II and III below describe the Department's analysis to date and the procedural requirements of complaints. Section IV states a formal complaint regarding Charter.

II. DEPARTMENT ANALYSIS

A. *CUSTOMERS OF THE CHARTER FIBERLINK COMPANIES WERE TRANSFERRED TO THE CHARTER ADVANCED SERVICES COMPANIES WITHOUT PRIOR COMMISSION APPROVAL*

The Commission has a well-established precedent of requiring approval for any change of ownership affecting Minnesota telephone companies and telecommunications carriers. As provided by Minn. Stats. §§ 237.16, subd. 4, 237.23 and 237.74, subd. 12, Commission approval is required for transactions where the ultimate ownership or control of either a telephone company or telecommunications carrier authorized to operate in Minnesota changes, or the operating company serving customers is affected. Commission approval is not required for corporate reorganizations in which ultimate ownership or control does not change and the operating company is not impacted by the reorganization.³

On or around March 1, 2013, the Charter Fiberlink Companies assigned the rights to serve their residential customers, including customers participating in the TAP program, to the Charter Advanced Services Companies. The customers of the Charter Fiberlink Companies were transferred to the Charter Advanced Services Companies without prior Commission notice or approval. The Charter Advanced Services Companies do not have, and have not sought, a certificate of authority from the Commission to provide telecommunications service in Minnesota.

³ *In the Matter of an Application for Approval of a Corporate Reorganization by Winstar Wireless, Inc.*, Docket No. P5246/PA-00-925, August 25, 2000.

The customers of Charter Fiberlink Companies were transferred (“slammed”) to the Charter Advanced Services Companies without their prior consent or meaningful notice of the consequences to them of the transfer. For example, a consequence of a carrier being unregulated and free from the constraints of state laws applicable to carriers may include severe risk of the loss of customer privacy, exposure to slamming and cramming, loss of services for disabled and low-income subscribers, and discriminatory price gouging.

The Charter Affiliates indicated in a conference call on March 18, 2014, that prior Commission approval for the March 1, 2013, transfer was not required because all of the affected customers receive local phone service using VoIP (Voice over Internet Protocol) technology. The internet protocol (IP) technology used to provide service to Charter’s customers did not change with the transfer. Charter Affiliates contend that the residential customers formerly served by the Charter Fiberlink Companies, and now served by the Charter Advanced Services Companies, were never under the Commission’s jurisdiction since Charter employs VoIP technology when providing local phone service.

The current position of Charter conflicts with Charter’s past claims and representations before the Commission. For example, in an interconnection agreement (ICA) arbitration between Charter Fiberlink, LLC and Qwest Corporation, the 08-952 Docket, Charter stated that it was a facilities-based provider that provisioned service over its own switch and transmission facilities,⁴ and as such, possessed rights under state and federal laws and regulations to request that the Commission:

- 1) compel Qwest and other LECs to interconnect with it,
- 2) compel Qwest to connect to it at a single physical Point of Interconnection (POI) in each LATA in which Charter, as a CLEC, had local end user customers, and
- 3) compel Qwest to provide interconnection and unbundled network elements to it at cost-based rates.⁵

In that docket, had Charter not been a CLEC authorized to provide local service in Minnesota, Charter would not have been entitled to seek assistance from the Commission to compel Qwest to interconnect with it at cost based rates at a single point of interconnection, pursuant to section 251(c)(3)⁶.

The Charter Fiberlink Companies obtained certificates of authority from the Commission to provide telecommunications services, filed tariffs for the services provided, reported revenues in their Minnesota Jurisdictional Annual Reports, and collected and remitted 911, TAP and TAM fees through June 2013. The Charter Fiberlink Companies continue to have certificates of authority in Minnesota, interconnection agreements, 911 plans and tariffs. Yet, Charter’s residential customers, including low income assistance customers who are

⁴ April 16, 2009 exceptions of Charter Fiberlink, Inc. to Arbitrator’s Report, p. 16, In the Matter of the Petition of Charter Fiberlink, LLC for Arbitration Of an Interconnection Agreement With Qwest Corporation Pursuant to 47 U.S.C. § 252(b). MPUC Docket No. P-5535,421/M-08-952.

⁵ Ibid, footnote 23.

⁶ See 47 C.F.R. § 51.319.

able to afford telephone service via the TAP program, are now being served by the Charter Advanced Services Companies.⁷

The Charter Advanced Services Companies do not have a certificate of authority from the Commission, do not have interconnection agreements, do not have 911 plans and do not have tariffs. In a conference call between Charter Affiliates and the DOC on March 18, 2014, Charter was asked whether either the PUC or DOC would have any authority to address complaints of the Charter Advanced Services Companies. While Charter stated that it would address customer concerns, Charter also indicated that it was its position that the regulatory agencies have no authority over any complaint that may arise pertaining to the Charter Advanced Services Companies.

Charter's position is inconsistent with representations Charter makes on its website. There Charter instructs its prospective and current subscribers that Charter is regulated by State Utility Commissions, like other telecommunications providers, stating:⁸

Complaints can be filed with the agency in your state that regulates telecommunications service providers. Please contact your state agency or National Association of Regulatory Utility Commissioners to find contact information for your state's regulator and instructions for how to file a complaint.

B. THE TRANSFER OF CUSTOMERS FROM THE CHARTER FIBERLINK COMPANIES TO THE CHARTER ADVANCED SERVICES COMPANIES HAS SIGNIFICANTLY NEGATIVELY AFFECTED THE TAP AND TAM PROGRAMS

Minn. Stat. §237.49 requires local service providers to administratively support the 911, TAM and TAP services:

[e]ach local telephone company *shall collect* from each subscriber an amount per telephone access line representing the total of the surcharges required under sections 237.52 [TAM service], 237.70 [TAP service], and 403.11 [911 service]. Amounts collected *must be remitted* to the commissioner of public safety in the manner prescribed in section 403.11.

Pursuant to Minn. Stat. §237.49, TAP, TAM and 911 fees are to be submitted to the Department of Public Safety (DPS) as a combined local access surcharge. Minn. Stat. §237.52, pertaining to the TAM program, states that the surcharge is to be collected for each access line. Minn. Stat. §237.70, subd. 6, pertaining to the TAP program, states that

⁷ Although the word "Advanced" is in the name of the Charter Advanced Services Companies, basic services, including TAP, are being provided by these Charter entities. TAP is not being offered to new customers.

⁸ <http://www.myaccount.charter.com/customers/Support.aspx?SupportArticleID=1351#ChartervsTraditional>. See Attachment E.

the funding is assessed by a uniform recurring monthly surcharge per access line, applicable to all classes and grades of access lines provided by each local service provider in the state. The Charter Advanced Services Companies only collect and remit 911 fees, not TAP and TAM fees. A review of the reporting forms submitted to DPS by the Charter Fiberlink Companies and the Charter Advanced Services Companies reveals the timeline for the transfer of customers among the entities and the impact on the TAP and TAM programs:

	<u>February 2013</u>	<u>May 2013</u>
Charter Fiberlink CCO lines remitting TAP/TAM/911	[TRADE SECRET DATA HAS BEEN EXCISED]	[TRADE SECRET DATA HAS BEEN EXCISED]
Charter Fiberlink CCVIII lines remitting TAP/TAM/911	[TRADE SECRET DATA HAS BEEN EXCISED]	[TRADE SECRET DATA HAS BEEN EXCISED]
Charter Advanced Services CCO lines remitting <u>911 only</u>	[TRADE SECRET DATA HAS BEEN EXCISED]	[TRADE SECRET DATA HAS BEEN EXCISED]
Charter Advanced Services CCVIII lines remitting <u>911 only</u>	[TRADE SECRET DATA HAS BEEN EXCISED]	[TRADE SECRET DATA HAS BEEN EXCISED]

The TAP and TAM program costs are recovered only from companies that comply with the law and collect and remit the TAP and TAM fees. If a company does not collect and remit the fees for these programs, the costs are spread across the customers of the companies that do pay into the programs. With a smaller base of customers that pay into the programs, the fees to the customers of the companies that collect and remit the fees are necessarily higher.

Further, in addition to Charter not collecting nor remitting the fees to share the costs of the programs, Charter uses the advantage it has created for itself in its marketing materials, where it advertises: “No added fees like the phone company charges you.” See Attachment F. Thus, Charter is attempting to create a competitive advantage for itself by evading the collection and remittance of the TAP and TAM fees.

While Charter has indicated that the Charter Advanced Services companies will grandfather existing TAP customers, Charter has barred its current or additional customers from future enrollment in the State’s TAP program.

The Charter Fiberlink Companies’ discontinuance of the TAP program to customers violates the Commission Order in the 08-1322 Docket, approving a settlement under which the Charter Fiberlink Companies specifically were not to discontinue TAP without prior Commission approval.⁹

C. CHARTER’S CLAIM TO THE FCC THAT THE COMMISSION HAS NO JURISDICTION OVER ITS SERVICES ARE NOT SUPPORTED BY CHARTER.

⁹ January 28, 2009 Order in Docket No. P5535,5615/C-08-1322. See also, Additional Comments of the Department of Commerce on the Complaint and Request for Commission Action, Docket No. P5535,5615/C-08-1322, January 13, 2009, page 2.

In its March 10, 2014 Section 63.71 Application to the FCC, Charter stated, at page 4:

“[b]ecause 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.”

Charter provided no explanation of this sentence in its Application.

In the March 18, 2014 conference call between Charter and the Department, Charter indicated that offering its local phone service using VoIP technology frees the Company from the Minnesota Commission’s authority.

Charter has provided no support to the Department for its assertion that the Commission lacks authority to compel Charter to abide by state laws, rules and Commission orders.

To the extent the assertion turns on a pre-emption analysis, as an initial matter, States are not preempted from regulating activities within their jurisdiction unless either: (1) Congress specifically preempts State regulation, by “express” preemption, or (2) a federal agency’s action is disrupted unless the States are preempted from acting, under the legal theories of “field” or “conflict” preemption. In the absence of explicit preemption, States retain their jurisdiction.

To the extent the assertion may rely on the 11 year-old Minnesota District Court’s 2003 *Vonage Decision*, the assertion is misplaced. The 2003 *Vonage Decision* merely determined that Vonage, which offered a nomadic “over the top” voice application, was an information service provider and that “information services *such as those provided by Vonage* must not be regulated by state law enforced by the MPUC.”¹⁰

The services of Charter are not comparable to those provided by Vonage. Where Vonage was an “over the top” provider, utilizing the facilities of another carrier, Charter provides its own network facilities between the customer premise and its offices; this type of service is sometimes referred to as “fixed, interconnected VoIP.” The services are “fixed” because they originate and terminate calls at a fixed geographic location known to Charter and on Charter’s network.¹¹ The services are “interconnected” with the public switched telephone

¹⁰ *Vonage Holdings Corporation v. Minnesota Public Utilities Commission*, 290 F. Supp. 2d 993 (D. Minn. 2003) Memorandum and Order (the “2003 Vonage Decision”)(emphasis added).

¹¹ Charter explains: “Charter Phone is not an Internet phone service. It is a fixed-wire line service, designed to be used in the home in which service is installed. The phone modem, or Multimedia Terminal Adaptor (MTA), that we install in your home is the property of Charter Communications. ...

Customers with touch-tone phones will not need to purchase new equipment to use Charter Phone service. The service works with your existing phone wires, phones, and wall jacks. Charter does install a phone modem, or Multimedia Terminal Adaptor, which is used to communicate with our network. ...

Charter Phone is a “whole house” service that uses existing phone wiring; this means that all working jacks in the home can be used.”

Charter vs Traditional Phone. Just like traditional wire line services, Charter Phone works through regular phone jacks and phones, and provides access to 911 emergency services and directory listings. The difference

network because calls can be made to, and received from, all other subscribers to the public switched telephone network.

Charter describes its phone service as “a primary line phone service that is comparable to traditional phone service” which, Charter explains, “can be installed via any in-home phone jack, and the service does not require an Internet connection.”¹²

The District Court’s *2003 Vonage Decision*, was appealed to the Eighth Circuit Court of Appeals, which did not adopt or approve the lower court’s reasoning,¹³ but instead deferred to and adopted the reasoning of a later FCC decision¹⁴ regarding Vonage (the *FCC Vonage Order*). The Eighth Circuit order (“Vonage I”) “concluded the *FCC Vonage Order* was binding with respect to the MPUC’s appeal.”¹⁵

The *FCC Vonage Order* determined that state certification and entry requirements do not apply to services such as Vonage’s service, which was nomadic, and “impossible” to sort into intrastate and interstate jurisdictional services; *the FCC Vonage Order* determined that such a service is “jurisdictionally mixed” and should be deemed, for regulatory purposes, to be “interstate.”¹⁶ The *FCC Vonage Order* was appealed in a consolidated appeal before the Eighth Circuit in *Vonage II*, which affirmed the *FCC Vonage Order*.

This rationale of the *FCC Vonage Order* and the *Vonage II* regarding nomadic service is commonly referred to as the “impossibility exception” to state regulatory jurisdiction; where it is impossible to comport with both State and Federal law, the federal law preempts State jurisdiction.¹⁷

between Charter Phone and the phone companies' traditional wire line service is that Charter takes advantage of the latest technology, which allows us to deliver crystal-clear calls and advanced calling features. Cable phone service uses Internet protocol for transporting calls over our own private network.

<http://www.myaccount.charter.com/customers/Support.aspx?SupportArticleID=1351#EquipmentInformation>
¹² Ibid.

¹³ *Minnesota Public Utilities Commission et al v. FCC et al*, 483 F.3d 570, 577 (8th Cir. 2007) (hereinafter “Vonage II”) (citing *Vonage Holdings Corp. v. Minn. Pub. Utils. Comm’n*, 394 F.3d 568, 569 (8th Cir. 2004).

¹⁴ *ITMO Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, 19 F.C.C.R. 22404, 22424 at ¶ 32 (2004), 2004 WL 2601194 at *11) WC Docket No. 03-211, “Memorandum Opinion and Order,” (rel. November 12, 2004) (“*FCC Vonage Order*”).

¹⁵ *Vonage II*, 483 F.3d at 576-77 (citing *Vonage I*).

¹⁶ *Vonage II* explained that, in the *FCC Vonage Order* decision, Vonage had invoked the “impossibility exception” of 47 U.S.C. § 152(b), which allows the FCC to preempt state regulation of a service which would otherwise be subject to dual federal and state regulation where it is impossible or impractical to separate the service’s intrastate and interstate components, and the state regulation interferes with valid federal rules or policies. ... While the MPUC’s appeal was pending, the FCC issued an order addressing Vonage’s petition. In its order, the FCC adopted Vonage’s alternative position, which is, irrespective of whether Vonage’s services should be characterized as “telecommunication services” or “information services,” the FCC determined it was appropriate to preempt state regulation because it was impossible or impractical to separate the intrastate components of VoIP service from its interstate components.” *Vonage II*, 483 F.3d 570, 576.

¹⁷ *Vonage II*, 483 F.3d 570, 576 (“Vonage invoked the “impossibility exception” of 47 U.S.C. § 152(b), which allows the FCC to preempt state regulation of a service which would otherwise be subject to dual federal and state regulation where it is impossible or impractical to separate the service’s intrastate and interstate components, and the state regulation interferes with valid federal rules or policies.”)

Vonage II addressed service such as Charter's, which is fixed interconnected VoIP service only to indicate that it did not decide whether States had authority over such service. The *Vonage II* Court was asked by the New York Public Service Commission (NYPSC) to address state jurisdiction of fixed interconnected VoIP services, such as those provided by cable television companies like Charter.¹⁸ The *Vonage II* Court said that the NYPSC's challenge to the *FCC Vonage Order* was not ripe for review because the issue was not properly before it; neither the *2003 Vonage Decision* nor the *FCC Vonage Order* concerned fixed interconnected VoIP.¹⁹ *Vonage II*, in dicta observed, however, that subsequent to the *FCC Vonage Order* the FCC had indicated that providers who can track the geographic end-points of their calls do not qualify for the preemptive effects of the *FCC Vonage Order* even if they use VoIP technology to provide phone service.²⁰ *Vonage II* Court stated that whether state regulation of fixed VoIP services should be preempted remained an open issue that it did not address.²¹

Charter phone service can be provided both over facilities built by Charter as well as over conventional copper loops of traditional ILECs, as indicated by Charter's description of its service as follows:

DSL Charter Phone service will work with DSL. However, you may need to maintain an active phone number with your DSL provider in addition to your Charter Phone number. Charter offers High-Speed Internet service that is often faster and more reliable than DSL, and does not require maintaining a second phone number.

VoIP Charter offers a primary line phone service that is comparable to traditional phone service. Charter Phone uses Internet protocol for transporting calls over our own private network, so your calls never touch the public Internet. Charter Phone can be installed via any in-home phone jack, and the service does not require an Internet connection. This distinction is important because services offered by many VoIP providers do require high-speed Internet connections in the home.

Until Charter obtains a Commission Order that changes the regulatory status of the services it provides to its customers, there simply is no change. Having not obtained Commission approval to terminate the provision of local service in Minnesota, the services for which Charter received certification as a telecommunications carrier remain under the jurisdiction of the Commission.

The burden of proof rests with Charter that it and its services are not subject to the Commission's jurisdiction.

¹⁸ *Vonage II*, 483 F.3d at 582.

¹⁹ *Vonage II*, 483 F.3d at 582-83.

²⁰ *Vonage II*, 483 F.3d at 583 (*citing* Universal Serv. Contribution Methodology, 21 F.C.C.R. at 7546 ¶ 56).

²¹ *Ibid*.

D. THE CHARTER ADVANCED SERVICES COMPANIES HAVE NOT FILED FOR CERTIFICATION

The Minnesota Charter Affiliates improperly transferred customers to non-certified affiliated entities without seeking approval from the Commission, as described above in these comments.

The Charter Advanced Services Companies that lack a certificate of authority from the Commission and now serve customers previously served by the regulated Charter Fiberlink Companies.

The Charter Fiberlink Companies continue to maintain certificates of authority and interconnection agreements with non-affiliated LECs and provide wholesale services to the uncertified Charter Affiliates. If the Commission affords the Charter Affiliates the status and rights of a CLEC, while permitting the Charter Affiliates to throw off the costs of providing basic service and compliance with the responsibilities of a CLEC onto its competitors, an unreasonably discriminatory and anti-competitive situation would be created.

A company seeking to operate as a local exchange carrier in Minnesota is required to obtain an application for certification under Minn. Stat. §237.16 and in compliance with Minn. Rule 7812.0300, subp. 2; this rule, among other things, requires the company to identify itself, which helps prevent customers from being “slammed” to a new local service provider, as Charter here slammed its customers to a new local service provider.

Among other requirements for local certification is the filing of a tariff showing that the applicant intends to meet the basic local service requirements enumerated in Minn. Rules pt. 7812.0600, including the requirement to offer a bill credit for low-income households that subscribe to local exchange telephone service.²² Provision of basic local services means a carrier must: provide 911 or enhanced 911 service, and not engage in unfettered violations of customer privacy, discriminate, disconnect phone service for reasons other than non-payment of the local phone service; it requires telecommunications relay service (TRS) for disabled persons, free directory listings, and notice if the company discontinues service in its service area. The latter requirement has been violated by Charter, and Charter has not shown that it will not strip its customers of other aspects of basic local service.

E. THE SIGNIFICANCE OF THE COMMISSION'S DECISION

FCC Chairman Tom Wheeler wrote an official FCC Blog on the transition to IP that begins as follows:

Our communications networks are changing – and fast. What some call the “IP transition” is really a series of transitions; a multi-faceted revolution that advances as the packets of Internet Protocol (IP)-based communication replace the digital

²² Minn. Stat. section 237.69 and Minn. Rules Chap. 7817.

stream of bits and analog frequency waves. The impacts on networks have already begun and will be profound.²³

The provision of what has traditionally been considered a telecommunications service is now often provided with IP technology. Yet, the FCC has not classified VoIP as either an information service or a telecommunication service.²⁴ Similarly, there is no need for this Commission to make such a determination in this proceeding. Rather, the burden of proof should rest with Charter to demonstrate that the Commission lacks jurisdiction over the services that were formerly provided by the Charter FiberLink companies. Charter should not be permitted to unilaterally determine that the services it provides are outside of the Commission's jurisdiction, as it has done.

The Department believes that, with respect to services provided by the Charter Advanced Services companies, it is Charter's claim that the Commission has no jurisdiction over:

- a. Resolution of consumer complaints.
- b. Protections concerning price discrimination in Chapter 237 and Commission rules.
- c. The protections concerning terminating service to customers in Chapter 237 and Commission rules.
- d. Requirements that allow other carriers to physically connect to its network.
- e. Consumer protections laws on disclosure, anti-slamming and cramming.
- f. Any notice requirements, including notices for price increases and significant changes in the terms and conditions of service in Chapter 237 and Commission rules.
- g. Any protections in Chapter 237 and Commission rules with respect to services provides to other carriers, including the disconnection of services that impact end use customers.
- h. Any protections in Chapter 237 and Commission rules that enable a customer to terminate service and switch to another carrier, including termination liability assessments that unreasonably lock the customer in to a service they no longer want.
- i. Any protections in Chapter 237 and Commission rules that attempt to promote and advance competition.

²³ The IP Transition: Starting Now. By Tom Wheeler, FCC Chairman, November 19, 2013.

<http://www.fcc.gov/blog/ip-transition-starting-now>

²⁴ FCC Notice of Proposed Rulemaking, FCC 14-61, released May 15, 2014.

https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-61A1.pdf

- j. Any protections in Chapter 237 and Commission rules that support universal service, including providing service to all customers under the terms and conditions of an approved tariff.
- k. Any protections in Chapter 237 and Commission rules intended to maintain just and reasonable rates.
- l. Any protections in Chapter 237 and Commission rules intended to protect low income consumers, including making the TAP program available.
- m. Requirements for the collection and remittance of fee pertaining to the TAP and TAM fees.
- n. Requirements to submit regulatory assessments to recover Commission and Department expenses associated with telecommunications regulatory activity.
- o. Annual reporting requirements used to determine regulatory assessments.
- p. Commission approval for the change in either the ultimate control of the company or the operating company serving the customer.

III. FORMAL COMPLAINT PROCESS

Minnesota Rule 7829.1800 outlines provide the process to address formal complaints. The rule states that the Commission shall review the formal complaint as soon as practicable to determine whether it has jurisdiction over the matter and whether there are reasonable grounds to investigation the allegations.

If the Commission concludes that it has jurisdiction over the matter and an investigation is warranted, the Commission is to serve the complaint on the respondent and require an answer.

The Department's complaint is that Charter has unilaterally determined that it is not subject to the Commission's jurisdiction, as outlined in this complaint.

The Commission may assert jurisdiction and require an Answer, but permit Charter to address jurisdictional issues with its Answer.

The Commission may choose to establish a reply period to respond to Charter's Answer, as all carriers in Minnesota are likely to have an interest in this proceeding. Given the complexity of this issue, a reply comment period of 30 or more days may be appropriate.

IV. COMPLAINT ALLEGATIONS

- 1) On or around March 1, 2013, the Charter Fiberlink Companies assigned the rights to serve their residential customers, including customers participating in the TAP program, to the Charter Advanced Services Companies.
- 2) The customers of the Charter Fiberlink Companies were transferred to the Charter Advanced Services Companies without prior Commission notice or approval.
- 3) The customers of the Charter Fiberlink Companies were transferred to the Charter Advanced Services Companies without meaningful notice or prior consent of its customers, in violation of Minn. Stats. §§ 237.661 and 237.663.
- 4) The Charter Advanced Services Companies and the Charter Fiberlink Companies are under common ownership and control.
- 5) The Charter Advanced Services Companies do not have, and have not sought, a certificate of authority from the Commission to provide telecommunications service in Minnesota.
- 6) Charter violated Minn. Stats. §§ 237.16, subd. 1, 237.23, 237.74, subd. 12 and Minn. Rules pt. 7812.0200, subp. 1, by transferring assets and changing the operating company serving end-use customers without either notice to the Commission or prior Commission approval. The transfer occurred on March 1, 2013, whereby the Charter Fiberlink Companies assigned the rights to serve their residential service customers to the Charter Advanced Services Companies, resulting in an uncertified company providing services to consumers that were formerly provided by a certified entity.
- 7) Charter violated Minn. Rules pt. 7812.0300 by providing service to customers through an uncertified company, that were formerly provided by a certified company, without fulfilling the filing requirements required of telecommunications service providers.
- 8) Charter violated Minn. Rules 7812.0600 by providing service to customers through an uncertified affiliate company, without meeting the basic service requirements for a local service provider to offer its customers within its service area.
- 9) Charter violated Minn. Stat. § 237.52 subd. 3 by not collecting the TAM fee from customers that were transferred to an uncertified company, and not remitting the TAM fee as provided in Minn. Stat. Section 403.11, subd. 1(d).
- 10) Charter violated Minn. Stat. § 237.70 pertaining to the collection and remittance of the TAP fee.

- 11) Charter violated Minn. Stat. §237.70 by not providing the TAP assistance program to new qualifying subscribers.
- 12) Charter advertises “No added fees like the phone company charges you” creating a competitive advantage for itself by evading the collection and remittance of the TAP and TAM fees.
- 13) Charter has discontinued offering the TAP program to qualifying customers in violation of the Order of the Commission in the 08-1322 Docket dated January 28, 2009 adopting a complaint settlement in which Charter agreed that prior Commission approval would be received prior to discontinuing TAP.
- 14) Charter’s position concerning the transfer of customers to an unregulated entity conflicts with Charter’s representations in a past interconnection agreement arbitration before the Commission, the 08-952 Docket, where Charter represented to the Commission that it is a facilities-based local service provider that provisions service over its own switch and transmission facilities, and thus, has the right to request that the Commission compel ILECs to interconnect with it at a single physical POI in Qwest territory in each LATA in which Charter, as a CLEC, has local end user customers, and to provide any related services and elements at cost-based rates.
- 15) Charter has violated Minn. Stat. §237.295, subd. 2 by not filing an annual report reflecting intrastate revenues for service to customers, as Charter transferred customers of a certified company to an uncertified company without obtaining prior Commission approval. In so doing, Charter has evaded the requirement to pay regulatory assessments to recover Commission and Department expenses associated with telecommunications regulatory activity.

V. COMMISSION ALTERNATIVES

1. Does the Commission have jurisdiction over the complaint?
 - a. Find that the Commission has jurisdiction over the complaint.
 - b. Find that the Commission has jurisdiction over the complaint in the absence of Charter demonstrating, and the Commission accepting, that the Commission does not have jurisdiction.
 - c. Find that the Commission does not have jurisdiction over the complaint and close the docket.
 - d. Other action the Commission deems appropriate.

If the Commission finds that it has jurisdiction over the complaint, then the Commission should proceed to the question of whether there are reasonable grounds to investigate the violations.

2. Are there reasonable grounds to investigate the violations?
 - a. Find that an investigation is warranted and require Charter to file an Answer responding to the allegations of the complaint.
 - b. Find that an investigation is not warranted and close the docket.
 - c. Other action the Commission deems appropriate.

3. If the Commission finds that it has jurisdiction over the complaint and requires Charter to file an Answer, should a Reply period be established?
 - a. Consistent with the rule, find that replies are not required unless the answer alleges that respondent has granted the relief sought by complainant.
 - b. Establish a period of 30 days for the Department, the complainant, to file a Reply.
 - c. Establish a period of 30 days for the any interested party to file a Reply.
 - d. Other action the Commission deems appropriate.

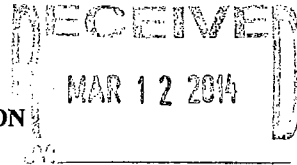
4. Should the Commission authorize its Executive Secretary to vary the time periods in this matter?
 - a. Grant the Executive Secretary the authority to vary the time periods.
 - b. Do not grant the Executive Secretary the authority to vary the time periods.

VI. RECOMMENDATION

The Department recommends Alternatives 1a, 2a, 3c and 4a:

- 1a. Find that the Commission has jurisdiction over the complaint.
- 2a. Find that an investigation is warranted and require Charter to file an answer responding to the allegations of the complaint.
- 3c. Establish a period of 30 days for the any interested party to file a Reply.
- 4a. Grant the Executive Secretary the authority to vary the time periods in this matter.

/lt



Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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)

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

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

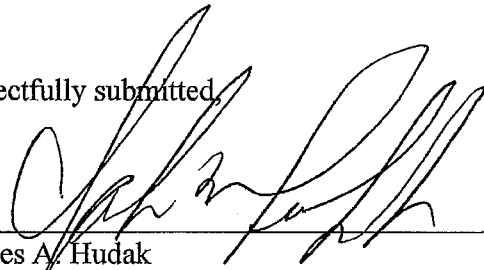
In accordance with Section 63.71 of the Commission's rules, CC Fiberlink has mailed copies of this Application to the Governors of the States of California, Minnesota, Tennessee, Texas and Wisconsin, the California Public Utilities Commission, the Minnesota Public Utilities Commission, the Tennessee 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.
FRIEND, HUDAK & HARRIS, LLP
Three Ravinia Drive
Suite 1700
Atlanta, Georgia 30346
770-399-9500 (Tel)
770-395-0000 (Fax)
chudak@fh2.com
cgerkin@fh2.com

Dated: March 10, 2014

CERTIFICATE OF SERVICE

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

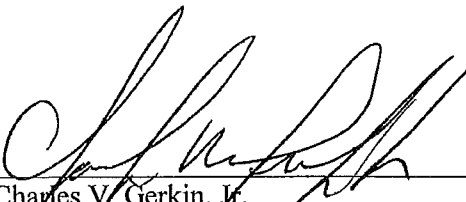
Governor Rick Perry
Office of the Governor
1100 San Jacinto Blvd, Suite 151B
Austin, Texas 78701

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

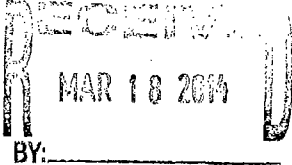
Public Service Commission of Wisconsin
P.O. Box 7854
Madison, Wisconsin 53707-7854

This 10 day of March, 2014.



Charles V. Gerkin, Jr.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.



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 - MISSOURI, LLC,)
CHARTER FIBERLINK - NEBRASKA, LLC,)
CHARTER FIBERLINK - TENNESSEE, LLC,)
CHARTER ADVANCED SERVICES (CA),)
LLC, CHARTER ADVANCED SERVICES)
(MN), LLC, CHARTER ADVANCED)
SERVICES VIII (MN), LLC, CHARTER)
ADVANCED SERVICES (MO), LLC,)
CHARTER ADVANCED SERVICES (NE),)
LLC, and CHARTER ADVANCED SERVICES)
(TN), LLC)
)
For Authority to Discontinue)
Interconnected VoIP Service)

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 - Missouri, LLC, Charter Fiberlink - Nebraska, LLC, and Charter Fiberlink - Tennessee, 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 (MO), LLC, Charter Advanced Services (NE), LLC, and Charter Advanced Services (TN), LLC (collectively, the “**Charter Advanced**

Services Companies”) to discontinue offering certain interconnected VoIP services in California, Minnesota, Missouri, Nebraska and Tennessee (the “**Service Areas**”).

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 - Missouri, LLC, Charter Fiberlink - Nebraska, LLC, Charter Fiberlink - Tennessee, LLC, Charter Advanced Services (CA), LLC, Charter Advanced Services (MN), LLC, Charter Advanced Services VIII (MN), LLC, Charter Advanced Services (MO), LLC, Charter Advanced Services (NE), LLC, and Charter Advanced Services (TN), 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 - Missouri, LLC and Charter Advanced Services (MO), LLC currently offer the services that are the subject of this Application in parts of the State of Missouri. Charter Fiberlink - Nebraska, LLC and Charter Advanced Services (NE), LLC currently offer the services that are the subject of this Application in parts of the State of Nebraska. 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.

Brief description of the type of service affected

The Charter Fiberlink Companies and Charter Advanced Services Companies propose to discontinue offering to new customers interconnected VoIP services characterized as stand-alone basic local telephone service. These services provide local calling only. Customers may elect to receive long distance service from the Charter Fiberlink Company or Charter Advanced Services Company from which they receive local service or from unaffiliated intraLATA, interLATA and/or international telecommunications carriers. The Charter Fiberlink Companies currently offer these services to residential customers in California, Minnesota, Missouri, Nebraska and Tennessee and to business customers in California, Minnesota, Missouri and Tennessee. The Charter Fiberlink Companies currently have no customers for these services. The Charter Advanced Services Companies currently offer these services to residential customers in California, Minnesota, Missouri, Nebraska and Tennessee and have no current plans to discontinue the services to their existing customers.

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. Charter Fiberlink Companies have determined to no longer offer these services to residential customers in the states in which they operate or to business customers in California and Tennessee, but to continue to offer them to business customers in Missouri and Minnesota. The Charter Advanced Services Companies have determined to no longer offer these services to new residential customers but intend indefinitely to continue to provide them to existing residential customers. The Charter Advanced Services Companies have never offered these services to business customers. Similar services are available in the Service Areas from incumbent local exchange carriers and other telecommunications carriers and interconnected VoIP service providers, and the Charter Advanced Services Companies also continue to offer similar service bundled with long distance service.

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, including a choice of long distance service providers, 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

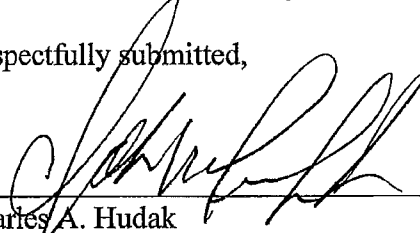
In accordance with Section 63.71 of the Commission's rules, CC Fiberlink has mailed copies of this Application to the Governors of the States of California, Minnesota, Missouri, Nebraska and Tennessee, the California Public Utilities Commission, the Minnesota Public Utilities Commission, the Missouri Public Service Commission, the Nebraska Public Service Commission, the Tennessee Regulatory Authority 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 stand-alone local interconnected VoIP service to new residential customers in California, Minnesota, Missouri, Nebraska and Tennessee and to new business customers in California and Tennessee.

Questions regarding this application may be addressed to the undersigned.

Respectfully submitted,



Charles A. Hudak
Charles V. Gerkin, Jr.
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Three Ravinia Drive
Suite 1700
Atlanta, Georgia 30346
770-399-9500 (Tel)
770-395-0000 (Fax)
chudak@fh2.com
cgerkin@fh2.com

Dated: March 14, 2014

CERTIFICATE OF SERVICE

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 - Missouri, LLC, Charter Fiberlink - Nebraska, LLC, Charter Fiberlink - Tennessee, LLC, Charter Advanced Services (CA), LLC, Charter Advanced Services (MN), LLC, Charter Advanced Services VIII (MN), LLC, Charter Advanced Services (MO), LLC, Charter Advanced Services (NE), LLC, and Charter Advanced Services (TN), 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

Office of Governor Jay Nixon
201 West Capitol Avenue
Room 216
Jefferson City, MO 65101

Missouri Public Service Commission
200 Madison Street, PO Box 360
Jefferson City, MO 65102-0360

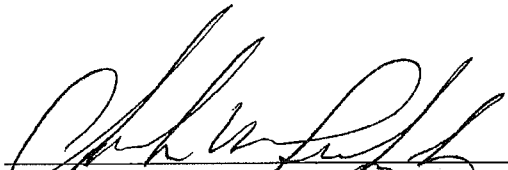
Governor Dave Heineman
Office of the Governor
1445 K Street
Room 2316
Lincoln, NE 68509-4848

Nebraska Public Service Commission
1200 N Street, Suite 300
Lincoln, NE 68508

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

This 14 day of March, 2014.



Charles V. Gerkin, Jr.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

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 (TX), LLC,)
Charter Advanced Services (WI), LLC and)
Charter Advanced Services VIII (WI), LLC)
)
For Authority to Discontinue)
Interconnected VoIP Service)

WC Docket No. 14-67

COMMENTS ON SECTION 63.71 APPLICATION

The Minnesota Department of Commerce (MNDOC) is a regulatory agency in Minnesota that is responsible for the enforcement of Minnesota Statutes and rules of the Minnesota Public Utilities Commission (MNPUC) concerning telecommunications. The March 11, 2014 petition of Charter Fiberlink CCO, LLC, Charter Fiberlink CC VIII, LLC, Charter Advanced Services (MN), LLC and Charter Advanced Services VIII (MN), LLC (among various other Charter affiliates), to discontinue offering what it describes as “interconnected Voice over Internet Protocol (VoIP) Services” in Minnesota (and various other states), will result in Charter not complying with Minnesota regulatory requirements. The MNDOC asks the FCC to either deny or suspend any action on this application until the MNPUC concludes that Charter has satisfied its requirements under Minnesota law. Minnesota has an open Docket

(P6716, P5615/C-14-383) to address the various regulatory issues affecting the Minnesota Charter Affiliates.

Charter Fiberlink CCO, LLC and Charter Fiberlink CC VIII, LLC (together, Fiberlink) currently hold operational certificates of authority to provide facilities based and resold local, long distance and private line service in Minnesota. Charter Advanced Services (MN), LLC and Charter Advanced Services VIII (MN), LLC are not certified with the MNPUC. There are certain regulatory requirements that apply to all certified local service providers in Minnesota, including the provision of single party voice-grade service, 911 service and the provision of Minnesota's low income assistance program, called the Telephone Assistance Plan (TAP). Fiberlink companies were granted authority to operate in Minnesota by complying with Minnesota Statutes and Rules. Further, Minnesota Statutes Section 237.74 requires a certified carrier in Minnesota to file and receive approval from the Minnesota Public Utilities Commission before transferring customers to another carrier, including notice to the affected customers.

Without seeking approval from the Minnesota Public Utilities Commission or even providing notice, the Fiberlink companies transferred customers to its non-certified entities, on or about March 1, 2013. The MNDOC and MNPUC first became aware of this transfer in February 2014, when it was learned that Fiberlink companies were no longer collecting from customers, and remitting funds into, either Minnesota's TAP program or the Telecommunications Access Minnesota (TAM) program. The TAM program funds the Minnesota Relay and Telecommunications Equipment Distribution programs, which facilitates communication needs of the deaf, deaf/blind, hard of hearing and speech disabled persons. Fiberlink entities also stopped offering the TAP program to new customers, which enables low income customers to reduce their monthly telephone bill by \$3.50/month. Incredibly, after Fiberlink's transfer of these customers to an uncertified affiliate, without any approval or notice to Minnesota's regulatory

agencies, Charter makes the statement on page 2 of its petition: “The Charter Fiberlink Companies currently have no customers for their services.”

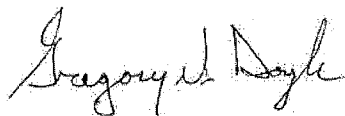
In a March 18, 2014 conference call with Charter representatives concerning the decision to stop collecting and remitting fees for the TAP and TAM programs, and to not receive MNPUC approval to transfer customers, Charter stated that the customers are interconnected VoIP customers, and thus, not subject to the jurisdiction of the MNPUC or the MNDOC. Despite Charter’s self-declaration that its services are not regulated in Minnesota, the Fiberlink companies continue to maintain certificates of authority in Minnesota, and their primary business after the transfer, apparently, is to provide wholesale services to their unregulated affiliates. Essentially, Fiberlink companies demand and benefit from their interconnection agreements with regulated entities, and the Fiberlink companies unregulated affiliates ride on the facilities made possible by those agreements. Since the Fiberlink companies continue to maintain certificates of authority in Minnesota, they are subject to Minnesota law as well as the rules of the MNPUC, unless the rules are waived. At this time the Fiberlink companies have not sought waiver of any MNPUC rules. The MNPUC cannot waive Minnesota law.

The Minnesota Docket (P6716, P5615/C-14-383) to address the regulatory issues affecting the Minnesota Charter Affiliates includes: 1) Fiberlink companies transferring customers to an affiliate without approval of the MNPUC; 2) Fiberlink companies not meeting Minnesota regulatory requirements of certified local telephone services providers; and 3) the entity currently serving the transferred customers has not applied for, and does not meet, the requirements to have a certificate of authority in Minnesota. The processes required by Minnesota law and rules of the MNPUC are intended to ensure that the rights of consumers in Minnesota are protected. These protections should not simply be dismissed by the FCC based on the company’s claim that it is subject to no state regulatory requirements because its service is using VoIP technology. Minnesota regulated entities are required to comply with Minnesota requirements in the

absence of federal preemption. One company's violation of state laws that protect Minnesota consumers also gives the violator an unfair competitive advantage over companies that are law-abiding. In the instant matter, the requirements of a regulated entity in Minnesota are to be addressed by the Minnesota Public Utilities Commission. The claim of Charter Affiliates that they currently have no customers for the affected services in Minnesota, and thus, that its petition is purely administrative, is inaccurate. The FCC should deny or suspend any action on Charter's application until the questions on state requirements have been addressed.

Please direct questions regarding this matter to the undersigned at 651-539-1875 or greg.doyle@state.mn.us.

Sincerely,

A handwritten signature in cursive script that reads "Gregory J. Doyle".

GREGORY J. DOYLE
Manager, Telecommunications
Minnesota Department of Commerce

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

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 – Missouri, LLC)
Charter Fiberlink – Nebraska, LLC)
Charter Fiberlink – Tennessee, LLC,)
Charter Advanced Services (CA), LLC,)
Charter Advanced Services (MN), LLC,)
Charter Advanced Services VIII (MN), LLC,)
Charter Advanced Services (MO), LLC,)
Charter Advanced Services (NE), LLC,)
Charter Advanced Services (TN), LLC,)
)
For Authority to Discontinue)
Interconnected VoIP Service)

Docket No. 14-68

COMMENTS ON SECTION 63.71 APPLICATION

The Minnesota Department of Commerce (MNDOC) is a regulatory agency in Minnesota that is responsible for the enforcement of Minnesota Statutes and rules of the Minnesota Public Utilities Commission (MNPUC) concerning telecommunications. The March 18, 2014 petition of Charter Fiberlink CCO, LLC, Charter Fiberlink CC VIII, LLC, Charter Advanced Services (MN), LLC and Charter Advanced Services VIII (MN), LLC (among various other Charter affiliates), to discontinue offering to new customers what it describes as “interconnected VoIP services characterized as stand-alone basic local telephone service” in Minnesota (and various other states), will result in Charter not complying with Minnesota regulatory requirements. The MNDOC asks the FCC to either deny or suspend any action on this application until the MNPUC concludes that Charter has satisfied its requirements under Minnesota law. Minnesota has an open Docket (P6716, P5615/C-14-383) to address the various regulatory issues affecting the Minnesota Charter Affiliates.

Charter Fiberlink CCO, LLC and Charter Fiberlink CC VIII, LLC (together, Fiberlink) currently hold operational certificates of authority to provide facilities based and resold local, long distance and private line service in Minnesota. Charter Advanced Services (MN), LLC and Charter Advanced Services VIII (MN), LLC are not certified with the MNPUC. There are certain regulatory requirements that apply to all certified local service providers in Minnesota, including the provision of single party, unbundled, voice-grade service, 911 service, a choice of long distance service providers, and the provision of Minnesota's low income assistance program, called the Telephone Assistance Plan (TAP). Fiberlink companies were granted authority to operate in Minnesota by complying with Minnesota Statutes and Rules. Further, Minnesota Statutes Section 237.74 requires a certified carrier in Minnesota to file and receive approval from the Minnesota Public Utilities Commission before transferring customers to another carrier, including notice to the affected customers.

Without seeking approval from the Minnesota Public Utilities Commission or even providing notice, the Fiberlink companies transferred customers to its non-certified entities, on or about March 1, 2013. The MNDOC and MNPUC first became aware of this transfer in February 2014, when it was learned that Fiberlink companies were no longer collecting from customers, and remitting funds into, either Minnesota's TAP program or the Telecommunications Access Minnesota (TAM) program. The TAM program funds the Minnesota Relay and Telecommunications Equipment Distribution programs, which facilitates communication needs of the deaf, deaf/blind, hard of hearing and speech disabled persons. Fiberlink entities also stopped offering the TAP program to new customers, which enables low income customers to reduce their monthly telephone bill by \$3.50/month. Incredibly, after Fiberlink's transfer of these customers to an uncertified affiliate, without any approval or notice to Minnesota's regulatory agencies, Charter then makes the statement on page 2 of its petition: "The Charter Fiberlink Companies currently have no customers for their services."

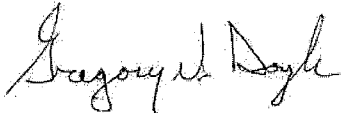
In a March 18, 2014 conference call with Charter representatives concerning the decision to stop collecting and remitting fees for the TAP and TAM programs, and to not receive MNPUC approval to transfer customers, Charter stated that the customers are interconnected VoIP customers, and thus, not subject to the jurisdiction of the MNPUC or the MNDOC. Despite Charter's self-declaration that its services are not regulated in Minnesota, the Fiberlink companies continue to maintain certificates of authority in Minnesota, and their primary business after the transfer, apparently, is to provide wholesale services to their unregulated affiliates. Essentially, Fiberlink companies demand and benefit from their interconnection agreements with regulated entities, and the Fiberlink companies unregulated affiliates ride on the facilities made possible by those agreements. Since the Fiberlink companies continue to maintain certificates of authority in Minnesota, they are subject to Minnesota law as well as the rules of the MNPUC, unless the rules are waived. At this time the Fiberlink companies have not sought waiver of any MNPUC rules. The MNPUC cannot waive Minnesota law.

The Minnesota Docket (P6716, P5615/C-14-383) to address the regulatory issues affecting the Minnesota Charter Affiliates includes: 1) Fiberlink companies transferring customers to an affiliate without approval of the MNPUC; 2) Fiberlink companies not meeting Minnesota regulatory requirements of certified local telephone services providers; and 3) the entity currently serving the transferred customers has not applied for, and does not meet, the requirements to have a certificate of authority in Minnesota. The processes required by Minnesota law and rules of the MNPUC are intended to ensure that the rights of consumers in Minnesota are protected. These protections should not simply be dismissed by the FCC based on the company's claim that it is subject to no state regulatory requirements because its service uses VoIP technology. Minnesota regulated entities are required to comply with Minnesota requirements in the absence of federal preemption. One company's violation of state laws that protect Minnesota consumers also gives the violator an unfair competitive advantage over companies that are law-abiding. In the instant matter, the requirements of a regulated entity in Minnesota are to be addressed by the Minnesota Public Utilities Commission. The claim of Charter Affiliates that they currently have no customers for



the affected services in Minnesota, and thus, that its petition is purely administrative, is inaccurate. The FCC should deny or suspend any action on Charter's application until the questions on state requirements have been addressed.

Please direct questions regarding this matter to the undersigned at 651-539-1875 or greg.doyle@state.mn.us.

Sincerely,

A handwritten signature in black ink that reads "Gregory J. Doyle". The signature is written in a cursive style with a large initial "G".

GREGORY J. DOYLE
Manager, Telecommunications
Minnesota Department of Commerce

 [E-mail](#)  [Print](#)

This article answers some of the most commonly asked phone questions. Click on your topic(s) from the list (s) or choose one of the quick links for additional information. If you unable to find what you are looking for and need additional help please contact us.

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ONLINE ORDER HELP

To check the status of your online order or for help with your order, click below.

[Status of your Online Order](#)

Life Alert Systems
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Wire Maintenance Plan

General Information

Calls From Correctional Facilities
Collect Calls
Filing Complaints
Do Not Call Registry
Phone Repair Number

VoiceMail

VoiceMail Setup

To set up your voicemail, you must be calling from your Charter home phone.

Dial your 7 or 10-digit Charter Phone number.
Voice instructions will guide you on how to create a new 4-digit PIN.
You will then be prompted to record your name and personal greeting.

Note: PIN Skip will be automatically turned on at this point, allowing you access to your voicemail from your home phone without having to enter your PIN.

Access Voicemail

Follow these instructions to access your mailbox after you have activated your voicemail system.

From Your Home Phone

There are 2 methods to access your Voicemail box

Dial *99 (Star + 9 + 9). You will enter the Main Menu. (If PIN Skip is off, you must enter your PIN).
Dial your 7 or 10-digit home telephone number. (If PIN Skip is off, you must enter your PIN).

From another phone:

Dial your 7 or 10-digit home phone number.
Press *5 when you hear the greeting.
Enter your 10-digit phone number + #.
Enter your PIN + #.
You will enter the Main Menu.

When you dial into your voicemail, you will reach the Main Menu and have the following options:

Press 1 to review messages.
Press 3 to work with your greetings.
Press 4 to change your mailbox settings.
Press 9 for interactive help.

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Ordering and Installation

Activating Phone Service

During the ordering process you will be asked to choose a scheduling window based on technician availability and whether you are bringing your phone number from another provider or choosing a new Charter phone number. Installation dates for phone may be available the next day, or we may need 7-10 days to gain access of your phone number from your current provider. Our customer service agents will assist you with scheduling the soonest available date as well as work to meet your scheduling needs.

Our professional installation includes activation of all existing working phone jacks or the installation and activation of one phone jack if there is not currently a working phone jack in your home. Additional wiring charges may apply if you request additional jacks to be installed or activated. Additional charges may apply for special construction charges. Charter also provides and installs in the home a phone modem, or Multimedia Terminal Adaptor (MTA), that is used to communicate with our private communications network. Basic-line-only customers may incur an additional lease fee

Local & Long Distance Service

Charter Phone is both a local and long-distance phone provider. Our Unlimited Long-Distance Calling Plan includes unlimited local, local toll, and long-distance calling in the United States, Canada, Guam, US Virgin Islands and Puerto Rico as well as the ability to make international calls at a low per-minute rate.

Current Service Provider

If you are bringing your phone number(s) to Charter from another provider do not call and cancel your phone service. In order for us to process a request to bring your number from another provider the phone number(s) must be currently working. Just call 1-888-438-2427 and we will let you know if we can bring your current number to Charter. If we can bring your number from the current provider we will take care of everything for you. We don't charge any switching fees. If you cancel your service prior to contacting us, you may not be able to keep your current number. Please note that you may be responsible to your old service provider for any contractual requirements and applicable charges.

If you are planning on getting a new phone number from Charter or we cannot bring your current number to Charter then you will need to contact your current provider and cancel your existing phone service.

If you have a long distance provider that is different than your local service provider and you plan on choosing Charter as your long distance carrier you will need to contact your long distance provider and cancel your long distance service. We cannot cancel your long distance services if it is different from your local service provider.

Keep Existing Phone Number

You should be able to keep your phone number at no additional charge if you are switching your service within the same location. However, when a customer moves to a new location, it's not always possible for that customer to keep the same number. To find out if you can keep your current number, please contact us.

Who Can Order

Any individual over 18 or business located in an area where Charter offers phone service can order phone service. You can order Charter Phone via:

Order Online

By phone: Call 1-888-438-2427.

Don't forget to let us know if you are a current subscriber for other Charter services. You may qualify for a discounted package that combines Charter Phone with our other services.

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TTY And TRS

Definition of TTY & TRS

TRS stands for Telecommunications Relay Service and TTY is the abbreviation for Text phone.

TTY allows people who are deaf, hard of hearing, or speech impaired to use the phone to communicate by letting them type messages back and forth to one another rather than talking and listening. TTY is required at both ends of the conversation in order to communicate. TRS, however, allows hearing-impaired and speech-impaired people to communicate via text phone with non-impaired phone users who do not have TTY. Each state has developed its own TRS program, so specific access numbers and contacts will vary. The nationwide standard access number is 711. Local phone service providers translate and route 711 calls to the TRS provider for that specific state.

Calling 911 with TTY

To avoid delays, dial 911 directly from the TTY. Do not dial TRS using 711. All E911 answering centers have TTYs. The customer's TTY should send audible tones that indicate to the 911 operators that a TTY must be used to answer the call.

Problems with TTY

This problem called garbling may be caused by call-waiting tones, loud background noise, low power on the TTY, inclement weather, cracked acoustic couplers, automated voice messages transmitted by the TTY, line static, improper TTY settings, and TTY shifting between letters and numbers.

To fix it, try typing AAA111 or hitting the space bar. This may clear the garbling. If you are using Turbo Code, change setting to Baudot. If using acoustic coupling, ensure that the handset is sitting securely in the acoustic cups. If this does not work, hang up and redial as a last resort. If garbling persists, please contact us.

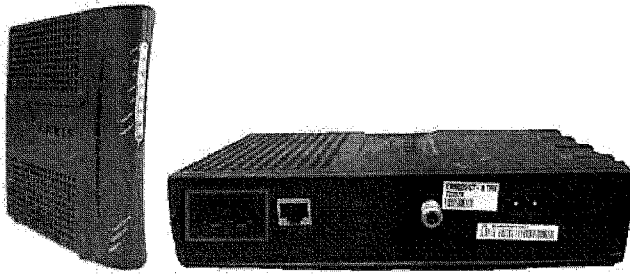
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Equipment

Equipment Information

In most areas, two pieces of equipment are used: a phone modem, or Multimedia Terminal Adaptor (MTA), and a Local Power Supply Unit (LPSU). An MTA is a box that connects the cable and the phone line inside your home. The LPSU provides the power needed for Charter Phone service. In some areas, a single MTA is used rather than both an LPSU and an MTA. Where this is the case, the MTA delivers the cable signal needed for Charter Phone service. The MTA may include a battery backup that keeps your service running if the power goes out. Learn more about battery backup at www.arrisistore.com.

A Multimedia Terminal Adaptor (MTA) is a phone modem that enables our network to communicate with the phone lines inside your home. The MTA is usually located in a basement, closet, or office inside your home.



Note: The MTA pictured above is just an example. The majority of Charter MTA's will look similar and will have 2 phone jacks on the rear panel labeled **Tel 1/2** and **Tel 2**

In the event of a power outage, you will not have use of your Charter Phone Service nor will have the ability to make or receive calls, including 911 calls, unless you choose to purchase the battery back-up option.

If you have a medical alert system, security equipment, or the desire to have battery back-up during a power outage should be encouraged to upgrade to the battery back-up option.

Our battery backup is available for a onetime charge of \$40.00 for the purchase of the battery. If you have a need for battery backup please tell your sales advisor when you place your order.

Moving Charter Equipment

Charter Phone is not an Internet phone service. It is a fixed-wire line service, designed to be used in the home in which service is installed. The phone modem, or Multimedia Terminal Adaptor (MTA), that we install in your home is the property of Charter Communications. In the event that you relocate or disconnect Charter Phone service, you must return the MTA to a local Charter office, or arrange for it to be picked up by Charter. If the device is not returned, you may be subject to a one-time charge for the device. You assume the risk of loss, theft, or damage to the equipment at all times prior to the removal of the units by Charter or return of the units by you.

Purchasing Battery Backup

Please contact Charter at 1-888-438-2427 to inquire about battery backup for your phone modem.

Purchasing Equipment

Customers with touch-tone phones will not need to purchase new equipment to use Charter Phone service. The service works with your existing phone wires, phones, and wall jacks. Charter does install a phone modem, or Multimedia Terminal Adaptor, which is used to communicate with our network. Charter charges a lease fee associated with the MTA that is included as part of the package price. Basic-line-only customers may incur an additional lease fee.

Phone Jacks

Charter Phone is a "whole house" service that uses existing phone wiring; this means that all working jacks in the home can be used.

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Directory / Directory Assistance

Requesting Directory

To request a paper copy of a telephone directory you can get one by:

Contact Yellowbook our Directory Supplier to have one mailed to you by:

Dial 1-800-929-3556 or

Online at <https://mydirectories.yb.com>

Automated Directory Assistance

We offer our customers the option of choosing Directory Assistance through an automated system or a live operator. If the automated system happens to fail, the call will transfer to the live operator.

Enhanced Directory Assistance Services

- Movie Listings
- Stock Quotes
- Traffic
- Weather

Just follow the voice prompts during your directory assistance call to access the enhanced services. You will be able to navigate to the enhanced services before or after (or even instead of) requesting a directory listing.

There are no additional charges for enhanced services. Standard Directory assistance rates apply. Rates may vary by market. Contact us regarding rates for your area.

Call Completion

Call completion (CC) is a Pay-Per-Use service to connect you directly to the number you requested from directory assistance without the need to hang up and dial yourself.

After receiving a phone number from Directory Assistance, you will hear an offer to complete the call. You can follow the prompts to accept the offer, or hang up as usual to make the call yourself.

You will be charged for this service when the system dials for you regardless of whether the call is completed or not. The normal residential rate for Directory Assistance (411) is \$1.99 per call. The number called will appear on your billing statement.

Note: *Certain restrictions and exceptions may apply.*

Note: *Customers who do not have Charter as their long distance provider can access their own long distance carrier's directory assistance when they dial 1-NPA-555-1212 or 1-area code of number desired-555-1212. Charter's directory assistance service will only be accessed by dialing 411.*

Block 411

The ability to block Directory Assistance calls is not available at this time.

Redial Services

Redial Services provides you the option to receive your last requested completed Directory Assistance listing, provided you call for Directory Assistance within 60 minutes of their previous request.

If you call within 60 minutes of your last Directory Assistance call you will be provided the option to automatically reconnect to your previous request. In the event the redial function is not available you will be presented the standard directory assistance message.

Our redial Service will not be provided to you if your call is 60 minutes after their last Directory Assistance call.

This service is for residential customers only. Charter Business customers do not have access to the Redial Service.

Standard Directory Assistance rates apply when the Redial Service is used.

Phone Book Listing

Switching to Charter Phone service has no effect on your directory listing. You will continue to be listed in the phone directory for your area.

There are two kinds of privacy listings:

Listed: This is the default option for a directory listing that Charter provides at no charge. Your name is in the phone book and is available through Directory Assistance.

Private Number: Chose this option if you do not want to have your name published in the phone book and not listed with Directory Assistance. This provides the equivalent of being non-published; there is a monthly recurring charge for this option.

Please contact 1-888-438-2427 for additional assistance.

Requesting Additional White Pages

You can request up to 99 White Pages directories.

Requesting Updated White Pages

You will need to make a request each year if you desire delivery of the updated White Pages directory.

Tracking Order Status

Your request is being sent to a third party vendor contracted by AT&T, which will mail the directory to your home address.

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Reliability

Charter Phone

Charter has upgraded and hardened our network in preparation for launching phone service. As a result of this work, our network now has increased redundancy and availability. To guarantee the quality of our phone service, we also monitor service delivery all the way to your household. That means that your services will be even more reliable than before. In addition, though we cannot prevent any service issues resulting from cable cuts or vandalism in your neighborhood, we can now react much more quickly to restore your service as soon as possible.

Quality And Clarity

Charter Phone has quality and clarity that are every bit as good as those of traditional phone service. Many customers have told us that it sounds better, since they are receiving a digital signal all the way to their home.

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Functionality

211 Social Service Connection

Dialing 211 provides you with information about referrals to human services for everyday needs and in times of crisis. Services offered through 211 vary by community but may include basic human needs resources; physical and mental health resources; employment support; support for older Americans and persons with disabilities; support for children, youth, and families; volunteer opportunities; and donations. Charter provides access to 211 where such service is available, but does not manage or sponsor this service.

911 Information Transmitted

To help emergency personnel quickly respond to your emergency, Charter provides enhanced 911 services, much like traditional phone companies. Should you ever need to access emergency services—fire, police, or ambulance—just dial the familiar digits 911. Your call will be routed directly to the nearest public safety operator, and your address will be automatically provided, allowing the operator to dispatch help even if you can't speak. If you plan to move, need to change your service address, or your service address is not populating when you dial emergency services, please call Charter Customer Care at 1-888-438-2427 so that we can properly move your service to ensure that 911 calls are properly routed. Do not move the phone modem (Multimedia Terminal Adaptor) installed in your home to another location.

Call Completion

Call completion (CC) is a fee-per-use service to connect the caller directly to the number they requested from directory assistance without the need to hang up and dial themselves. After receiving a phone number from Directory Assistance, the customer will hear an offer to directly complete the call. The customer can follow the prompts to accept the offer, or hang up as usual to make the call themselves. Additional charges may apply.

Charter vs Traditional Phone

Just like traditional wire line services, Charter Phone works through regular phone jacks and phones, and provides access to 911 emergency services and directory listings. The difference between Charter Phone and the phone companies' traditional wire line service is that Charter takes advantage of the latest technology, which allows us to deliver crystal-clear calls and advanced calling features. Cable phone service uses Internet protocol for transporting calls over our own private network.

DSL

Charter Phone service will work with DSL. However, you may need to maintain an active phone number with your DSL provider in addition to your Charter Phone number. Charter offers High-Speed Internet service that is often faster and more reliable than DSL, and does not require maintaining a second phone number.

Please check with your DSL provider to determine if maintaining phone service with them is required.

Features

Number Of Phone Lines

Charter will install up to two separate phone lines and a distinctive ring for residential customers. If you need more than two separate phone lines please contact Charter Business at 1-888-692-8635.

Number Of Phones

There is no limit. Charter Phone is a "whole house" service that uses existing phone wiring, so all jacks in the home can be used.

Power Outages

Charter Phone uses the electrical power in your home, so if there is an outage, 911 calling may be interrupted. Ask us about installing a backup battery for up to eight hours of stand-by and five hours of talk time. Please contact Customer Care at 1-888-438-2427 for additional information.

Security Systems

Charter Phone will work with most monitored home security systems. However, if you have a home security service, we recommend that you test the proper operation and communication of the alarm system after your Charter Phone installation. Learn about our recognition by ADT by clicking [here](#).

Life Alert Systems

Life Alert Emergency Response is a third party personal emergency response and home medical alert system specifically designed to protect users in a medical emergency that occurs at home. Charter Phone works with most Life Alert Systems. If you have a medical alert system and are concerned with losing phone dialing capabilities due to a power outage we encourage you to upgrade to the battery back-up option. Refer to Equipment Information for pricing and ordering options.

Using the Phone with the Charter Bundle

All services can be used simultaneously.

VoIP

Charter offers a primary line phone service that is comparable to traditional phone service. Charter Phone uses Internet protocol for transporting calls over our own private network, so your calls never touch the public Internet. Charter Phone can be installed via any in-home phone jack, and the service does not require an Internet connection. This distinction is important because services offered by many VoIP providers do require high-speed Internet connections in the home. Moreover, most of these types of VoIP providers are able to provide only a "best effort" service-level agreement, whereas Charter gives customers a Quality of Service guarantee.

Charter Phone

We offer a wire maintenance repair program that may help you avoid costly repair charges inside your home. For a low monthly fee, we can provide repair service for your jacks and inside wiring. (The wiring must meet certified technical standards.) For more information about our Wire Maintenance Plan, please see our Wire Maintenance Overview. To order our Wire Maintenance Plan, please contact us. Charter maintains outside phone lines as a part of your basic monthly service. Outside lines will be repaired at no cost to you unless the repair is due to a customer-caused incident. The final cost is at the discretion of the technician performing the repairs.

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General Information

Calls From Correctional Facilities

Customers who want to receive collect calls from correctional facilities in Missouri, Texas, and Wisconsin where the facility's provider is **not** AT&T or anywhere else in the U.S., must establish a third party billing account with that correctional facility. To set up a third party billing account, you must contact the facility.

See the Chart below for more information.

If	And	Then
The correctional facility is located in Missouri, Texas, or Wisconsin...	...the facility's local service is provided by AT&T...	...Charter Phone Service customers are not be able to receive a collect call from the facility.
The correctional facility is located outside of Missouri, Texas, or Wisconsin...	...the facility's local service is provided by AT&T...	...Charter Phone Service customers may be able to receive a collect call from the facility*.
The correctional facility is located anywhere in the U.S....	...the facility's local service is not provided by AT&T...	...Charter Phone Service customers may be able to receive a collect call from the facility*.

Collect Calls

Collect call guidelines vary from state to state, however calls made by dialing "0" are not accepted by Charter phone. In order to use Collect calling customers must set up a third party billing service. Please contact us for additional information.

Filing Complaints

Complaints can be filed with the agency in your state that regulates telecommunications service providers. Please contact your state agency or National Association of Regulatory Utility Commissioners to find contact information for your state's regulator and instructions for how to file a complaint.

Do Not Call Registry

Consumers register their phone numbers with the National Do Not Call Registry by visiting <https://www.donotcall.gov/> or calling 1-888-382-1222 (for TTY call 1-866-290-4236). They must call from the phone number they want to register. Charter customers on the National or one of the state Do Not Call Registers are **not** automatically placed on Charter's Do Not Call list, but can request to do so.

Phone Repair Number

For help with troubleshooting and information on repairs, you may dial 611 from your home phone, or contact us at 1-888-438-2427. Enter your 10-digit phone number. You will be prompted to speak your selection regarding the type of service you wish to receive. You may speak the phrase 'List Options' or 'Repair' and follow the remaining prompts for your specific repair issue.

However, keep in mind that you may be able to resolve the problem by checking several things yourself before entering a repair request. By taking an extra step and following the information below, you could avoid possible service charges.

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How useful was this information?

"1" is the least useful and "5" being most useful.

We welcome your feedback. Click **Send** after you have made a selection.

1 2 3 4 5





The Charter Triple Play

TV, Internet and Phone from **\$29.99** /mo each*


NO Contracts


GREG DOYLE OR CURRENT RESIDENT
569328


Dear Greg Doyle:

If you have satellite, you may already know that 1 out of 4 customers claim they have reception outages in bad weather.¹ Plus, 80% of satellite customers don't get real Video On Demand. Are you one of them?

Switch to Charter for better service at an incredible price with no contracts. From \$29.99/mo each when bundled,* get all this:

 **Charter TV**® - Have a better viewing experience with 100+ available FREE HD channels. Watch On Demand instantly with over 10,000 choices, 1,500+ in HD¹¹-including movies in 3D. Enjoy weather-resistant reliability with your Charter services.

 **Charter Internet**® - Upload photos, stream movies, share videos and download music simultaneously with speeds up to 30 Mbps-that's 10x faster than DSL.

 **Charter Phone**® - Talk all you want without dropped calls. Stay connected with unlimited local and long distance calling.

- Plus, no added fees like the phone company charges you.

And there's so much more! **If you are stuck in a contract with another provider, we'll pay up to \$500 to get you out.** Ask us how.**

Sincerely,

Geoff Boytos, VP of Marketing

P.S. We're giving you more with the flexibility of 2-hour arrival windows and a 30-day money-back guarantee. Call 1-888-901-0216, click or visit today and customize the bundle that's right for you.

Charter TV
\$29.99 mo*

Charter Internet
\$29.99 mo*

Charter Phone
\$29.99 mo*

*\$29.99/mo each for 12 mos when bundled

The Charter Triple Play

TV, Internet and Phone from **\$29.99** /mo each*

NO Contracts

Hurry,
Offer good through 9/18/14
CALL 1-888-901-0216
GO TO gocharter.com

Switch today and get more of what you want for less, guaranteed. †

- 100+ available **FREE** HD channels, watch On Demand instantly with over 10,000 choices, 1,500+ in HD**
- Watch live TV anywhere in your home with the Charter App
- Take TV on the go with 40+ available digital channels



- Add Charter DVR® service on up to 4 TVs in your home for \$19.99/mo*—record up to 8 shows at once and have the ability to pause, play and rewind live TV in each room
- Ask about Charter TV Silver or Gold and enjoy premium channels such as HBO®, Cinemax®, SHOWTIME®, NFL Network, Sprout, Nick Jr.™ and more



Charter Internet®

- **FREE** Internet modem
- Fast speeds up to 30 Mbps—10x faster than DSL
- Spend less time waiting—download 8 of your favorite songs in 11 seconds versus 1 minute 47 seconds with DSL
- Enjoy the fastest WiFi available, with increased range and speed so you can do more on more devices throughout your home



Charter Phone®

- **FREE** 411 calls
- No added fees like the phone company charges you
- Unlimited local and long distance calling in the U.S., Canada, Puerto Rico, Guam and the Virgin Islands
- Voicemail and 13 popular calling features

Unlike with satellite providers, you'll get all your services on one convenient bill, no expensive equipment to buy or dish to install and weather-resistant reliability.

Learn more about our 30-Day Money-Back Guarantee at charter.com/guarantee.

If you are stuck in a contract with another provider, we'll pay up to \$500 to get you out.**

The Charter Triple Play

TV, Internet and Phone from

\$29.99
/mo each*



Hurry,

Offer good through 9/18/14

CALL 1-888-901-0216

GO TO gocharter.com

Offer good through 9/18/14; valid to qualified residential customers who have not subscribed to any services within the previous 30 days and have no outstanding obligation to Charter. *Bundle price is \$89.97/mo. yr 1 & \$109.97/mo. yr 2; standard rates apply after 2 years; install, other equipment, taxes, fees and surcharges extra; qualifying bundle includes Charter TV Select service, Charter Internet and Charter Phone; additional services are extra. Charter DVR set-top box required for DVR service and is extra. **Restrictions apply. For contract buyout qualifications, go to charter.com/buyout. †Source: The Link Group Survey in Charter serviceable markets, 03/13. General Terms: TV: TV equipment required and is extra. ††Channel, HD programming and On Demand titles availability based on level of service. ‡For 30-Day Money-Back Guarantee, visit charter.com/guarantee. Charter App requires Charter TV and Internet service. Charter.com or Charter.net account log in may be required to stream some TV content online. Apps are free with corresponding level of service. © Disney. All Rights Reserved. Apps and live streams available in U.S. only and subject to additional restrictions. Must subscribe to HBO® and Cinemax® to receive their online service and apps. You must be a subscriber of SHOWTIME to receive SHOWTIME ANYTIME. INTERNET: Available internet speeds may vary by address. Speeds compared to 3 Mbps DSL. Charter WiFi: Equipment, activation and installation fees apply. PHONE: Taxes and fees included in price. Services are subject to all applicable service terms and conditions, which are subject to change. Services not available in all areas. Restrictions apply. To reduce Charter direct mail, visit charter.com/dmoptout. All trademarks are the property of their respective owners. ©2014 Charter Communications, Inc.

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
Public Comments**

Docket No. P6716,5615/C-14-383

Dated this 26th day of September 2014

/s/Sharon Ferguson

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