
**BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS
600 North Robert Street
St. Paul, Minnesota 55101**

**FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION
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St. Paul, Minnesota 55101-2147**

MPUC Docket No. P421/AM-16-496

**In the Matter of the Petition of CenturyLink QC to be Regulated Pursuant to Minn.
Stat. § 237.025; Competitive Market Regulation**

**INITIAL BRIEF
OF THE OFFICE OF THE ATTORNEY GENERAL
RESIDENTIAL UTILITIES AND ANTITRUST DIVISION**

March 9, 2017

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BRIEF OF THE OFFICE OF THE ATTORNEY GENERAL

INTRODUCTION

The Office of the Attorney General—Residential Utilities and Antitrust Division (“OAG”) respectfully submits its Initial Brief contesting Qwest Corporation d/b/a CenturyLink QC’s (“CenturyLink” or “the Company”) June 30, 2016 Petition to be regulated pursuant to Minnesota Statutes section 237.025, the Competitive Market Regulation Statute. In making its ultimate determination, the Commission should give strong consideration to the recommendations made by the witnesses from the Minnesota Department of Commerce (“Department”) by applying state telecommunications goals and resolving doubts as to reasonableness in favor of consumers. If the Commission ultimately approves CenturyLink’s petition for some or all of the exchanges, then it should require the Company to provide meaningful notice to its customers (with an opportunity for the governmental intervenors to review and comment) and it should require the Company to make regular filings updating the status of competition in its exchanges.

I. PROCEDURAL HISTORY.

On June 30, 2016, CenturyLink filed a first-of-its-kind request in Minnesota to deregulate its basic local phone service in each of its Minnesota exchanges. The Company filed its petition under a statute that was enacted in 2016 and also included a twelve-page affidavit and supporting documentation. Both the OAG and the Department filed timely objections to the petition on

August 15, 2016 and also recommended that the Commission find that CenturyLink's petition was incomplete.

The Commission met on September 13, 2016 to determine completeness. In its November 2 Order, the Commission found that CenturyLink's petition was incomplete as to two elements. First, the Commission found that the Company did not provide documentation regarding its loss of local voice service customers to unaffiliated service providers, specifically number-porting records.¹ Second, the Commission found that CenturyLink's petition was incomplete because the wireless coverage maps it relied upon to meet the statutory standard that 60 percent of households in the exchange area were "not, on their face, sufficient to withstand an initial level of scrutiny for analyzing whether the company meets the statutory criteria."² The Commission invited CenturyLink to supplement its petition and, upon doing so, initiated an expedited proceeding under Minnesota Statutes section 237.61 and gave parties ten days to object to the use of such a proceeding.

On November 14, 2016, the OAG submitted Comments on the use of an expedited proceeding. No formal objection was made, but recommendations were presented to ensure that a robust record was developed with ample opportunity for public participation and comment through public hearings and effective notice to parties.³ The Department filed Reply Comments supporting the recommendations made by the OAG, emphasizing the importance of customer notice, and proposing a procedural schedule for the expedited proceeding.⁴ In response to these comments, the

¹ Commission's Nov. 2, 2016 Order at 8–9.

² *Id.* at 9–10.

³ *See* OAG's Nov. 14, 2016 Comments at 6 (recommending assignment of an ALJ for discovery dispute resolution, the holding of public hearings, and the provision of adequate customer notice).

⁴ Department's Nov. 22, 2016 Reply Comments.

Company noted its strong opposition to holding public meetings, its opposition to providing its customers with notice, and its opposition to the schedule proposed by the Department.⁵

CenturyLink also supplemented its petition on November 21, 2016 with two additional affidavits. The Commission met on December 21, 2016 to determine completeness and to set a procedural schedule for the expedited proceeding. At the meeting, the Commission found that CenturyLink's supplement completed its petition and that the objections of the OAG and the Department still applied. It also established the procedural schedule.

II. THE LEGAL STANDARD.

This section will describe the legal standards and structures established by Minnesota law and Commission rulemaking with respect to telecommunications providers. The first section will describe the requirements under the Competitive Market Regulation statute, under which CenturyLink brings its current petition. Next, a brief summary of important statewide telecommunications goals that the Commission must consider as it executes its duties. Finally, this section will provide a summary of the three different levels of regulatory scrutiny—cost of service, alternative form of regulation, and competitive market regulation—that an incumbent carrier like CenturyLink can be regulated under at present in Minnesota.

A. The Competitive Market Regulation Statute.

CenturyLink must demonstrate “to the [C]ommission’s satisfaction,” that it meets the competitive criteria found in subdivision 4 of this chapter.⁶ There are two paths under which a carrier can choose to pursue a reduced level of regulation. Both paths depart from an identical threshold question: whether the carrier serves 50 percent of the households in an exchange area or

⁵ CenturyLink's Dec. 2, 2016 Comments Regarding Procedural Issues at 1.

⁶ Minn. Stat. § 237.025 subd. 5.

not.⁷ If the carrier serves fewer than 50 percent of households in an exchange area, as CenturyLink asserts in its petition, then it must also demonstrate that at least 60 percent of households in each exchange area can “choose voice service from at least one additional unaffiliated competitive service provider.”⁸ If, however, the carrier serves more than 50 percent of households in an exchange area, then it must make additional showings to demonstrate that it faces adequate competition in its exchange area or areas. Since CenturyLink has not requested reduced regulation under this second path, the focus of this section will be on the requirements the Company must meet under the first test.

The definition of “competitive service provider” under the statute is broad. A competitive service provider may be a “wireless voice service provider” or “any other provider of local voice service who owns a substantial proportion of the last-mile or loop facilities delivering service to a majority of households in an exchange service area, without regard to the technology used to deliver the service.”⁹ The definition does not include a provider using satellite technology, a wireless voice service provider who resells voice services purchased at wholesale, a competitive local exchange carrier (“CLEC”) who does not own a substantial portion of the last-mile or loop facilities over which they provide local voice service, an over-the-top voice-over-internet-protocol (“VOIP”) provider, or a local exchange carrier petitioning to be deregulated or an affiliate of the petitioning carrier.¹⁰

⁷ Minn. Stat. § 237.025 subd. 4.

⁸ Minn. Stat. § 237.025 subd. 4.

⁹ Minn. Stat. § 237.025 subd. 1.

¹⁰ Minn. Stat. § 237.025 subd. 1.

A petition filed under this statute must include seven items:

1. A list of exchange service areas in which the local exchange carrier is seeking to be regulated under this section;
2. The local services offered by the local exchange carrier in each exchange service area;
3. A list of competitive service providers in each exchange service area;
4. A description of affiliate relationships the petitioning local exchange carrier has with any provider of local service in each exchange service area;
5. Documentation demonstrating that the local exchange carrier's loss of local service customers to unaffiliated competitive service providers in each exchange service area over, at a minimum, the previous five years;
6. Evidence demonstrating that the local exchange carrier satisfies the competitive criteria under subdivision 4 in each exchange service area; and
7. Other information requested by the Commission that is relevant to the applicable competitive criteria under subdivision 4.¹¹

In addition, the statute provides guidelines for lodging objections from parties (45 days), which triggers the review and comment process currently underway at the Commission.¹² If the petition is approved, the petitioning, incumbent carrier would be subject to requirements that CLECs are required to meet under state law.¹³ If its petition is approved, the Company would still be required to provide "basic local service" as defined in subdivision 8 of the statute. There was some uncertainty as to this requirement, since the requirement to "continue to offer basic local service, as

¹¹ Minn. Stat. § 327.025 subd. 2.

¹² Minn. Stat. § 237.025 subd. 3.

¹³ Minn. Stat. § 237.025 subd. 6.

defined in subdivision 8” is an element that only appears under the requirements listed under the second path, subdivision 4(2), described above, but the Company and the Commission have since confirmed that the requirement to provide basic local service exists regardless of the subsection 4 pathway chosen by the petitioning carrier.¹⁴ Finally, the statute gives the Commission authority to “open a proceeding to examine whether the competitive criteria in subdivision 4 continue to be met in an exchange service area” that had been previously approved for deregulation “upon petition or on its own motion.”¹⁵

B. Telecommunications Goals under Minnesota Law.

In considering a petition to be deregulated under this statute, the Commission must consider several foundational, statewide goals that the Legislature has identified as the Commission executes its regulatory duties.¹⁶ There are several statewide goals that are especially relevant to this proceeding:

- Supporting universal service;
- Maintaining just and reasonable rates;
- Maintaining or improving quality of service; and
- Ensuring consumer protections are maintained in the transition to a competitive market for local telecommunications service.¹⁷

C. Cost-of-Service, Alternative Form of Regulation (“AFOR”), and Competitive Local Exchange Carrier Regulation in Minnesota.

There are three different levels of regulation under which an incumbent telephone company may be regulated in Minnesota today. These regulatory schemes are, in order from highest level of

¹⁴ Commission’s Nov. 2, 2016 Order Requiring Further Filings and Initiating Expedited Proceeding at 11.

¹⁵ Minn. Stat. § 237.025 subd. 11.

¹⁶ Minn. Stat. § 237.011.

¹⁷ Minn. Stat. § 237.011.

regulatory scrutiny to lowest: cost-of-service, alternative form of regulation (“AFOR”), and the competitive market regulation, or deregulation. This section will focus on the two more modern forms of regulation, AFOR and competitive market regulation.

An AFOR is “intended to capture the benefits of emerging competition among local exchange companies.”¹⁸ The AFOR framework replaced cost of service regulation for incumbent telephone companies following the federal Telecommunications Act of 1996. The statutory purpose of an AFOR is three-fold: to provide a telephone’s customers with a level of service quality consistent with the Commission’s rules at affordable rates, to facilitate development of telecommunications alternatives, and to provide a regulatory environment with greater flexibility, where appropriate.¹⁹ Specifically, under an AFOR plan, a company must have an approved service quality plan and it must make a commitment to invest in infrastructure during the life of the plan—a company with an approved AFOR plan must report on its progress under both elements in an annual report filed with the Commission.²⁰ A company with an AFOR must also specify the different classifications of its regulated or unregulated services including procedures for how rates under each classification are changed.²¹ While the process to approve a company’s AFOR is not as rigorous as the traditional cost-of-service ratemaking process, it is nevertheless a process that generates a significant amount of interest from a wide variety of parties and the ultimate plan establishes a number of important service quality and investment-related expectations the company must meet.

¹⁸ *In the Matter of a Petition by Qwest Corporation for Approval of its Second Revised Alternative Form of Retail Regulation (AFOR) Plan*, MPUC Docket No. P-421/AR-09-790, Order Approving Qwest’s Alternative Regulation Plan as Modified at 2 (Dec. 23, 2009).

¹⁹ Minn. Stat. § 237.76.

²⁰ *In the Matter of a Petition by Qwest Corporation for Approval of its Second Revised Alternative Form of Retail Regulation (AFOR) Plan*, MPUC Docket No. P-421/AR-09-790, Order Approving Qwest’s Alternative Regulation Plan as Modified at 2 (Dec. 23, 2009).

²¹ *Id.*

CenturyLink's most recent AFOR plan expired on December 31, 2016, while the current docket was in process. The Company did not seek approval of a new plan and so it is currently subject to rate-of-return regulation unless it proposes a new AFOR plan or its petition in this docket is approved. If the Company's petition is approved, then it would be treated by the Commission as if it were a competitive local exchange carrier, or CLEC. Under the Commission's rules governing CLECs, the Commission may exercise its regulatory authority over local services offered "only upon complaint . . . and will not require prior approval of a CLEC's tariffs or service offerings."²²

With this legal background established, the next section will provide analysis of CenturyLink's petition under the Competitive Market Regulation statute.

III. CENTURYLINK'S PETITION FOR COMPETITIVE MARKET STATUS.

CenturyLink must demonstrate to the Commission's satisfaction that it meets the two standards established in Minnesota Statutes section 237.025, subd. 4(1): that it serves fewer than 50 percent of households in each exchange service area and that at least 60 percent of households in each exchange service area can choose voice service from an unaffiliated provider, as defined by the statute. Both CenturyLink and the Department submitted evidence in the record on these two questions, which are the only two inquiries that the Commission is allowed to consider under the statute.

A. The Commission Must First Determine Whether CenturyLink Serves Fewer than 50 Percent of Households in Each Exchange Service Area.

1. CenturyLink's initial and supplemental petition.

CenturyLink's initial petition relied upon the supporting affidavit of Mr. Robert Brigham, the Director of Regulatory Operations at CenturyLink. Mr. Brigham presented data that was purported to represent the percentage of households that subscribe to CenturyLink's voice service in each of

²² Minn. R. § 7812.2210.

the 154 wire centers in the state.²³ In particular, Mr. Brigham calculated this percentage by dividing the primary residential voice lines by the number of housing units located in the wire center, which were based on U.S. Census Bureau data.²⁴ CenturyLink did not consider small business customers due to what it argued were census data limitations, but instead noted that including small business customers with residential customers in the numerator while keeping the denominator of housing units constant would provide regulators with a “ceiling” to consider.²⁵

In its November 18, 2016 supplemental petition, CenturyLink filed an affidavit from Mr. Al Lubeck, who is the Public Policy Director at the Company. In addition to providing a similar analysis of wire centers and Census Bureau data as Mr. Brigham, Mr. Lubeck identified four wire centers where it appeared to show that the percentage of households served by the Company was greater than 50 percent.²⁶ Mr. Lubeck argued that due to the seasonal nature of some housing units in these wire centers, “the household share calculated for CenturyLink [] is distorted, since there are voice lines active in dwellings that are defined as housing units, but not households.”²⁷ As a result, Mr. Lubeck proposed a correction for this “mismatch” which resulted in a much lower percentage of households with CenturyLink voice service in those areas.²⁸

2. The Department’s direct affidavits.

The Department provided the affidavit of Ms. Joy Gullikson in response to the Company’s evidence provided under this test. Ms. Gullikson identified seven concerns with CenturyLink’s

²³ Aff. of Robert Brigham at 3.

²⁴ *Id.* at 4.

²⁵ *Id.* at 4.

²⁶ Aff. of Al Lubeck at 5 (noting that the Cook, Grand Marais, Island Lake, and Tofte wire centers appeared to show a higher-than-50-percent penetration of CenturyLink’s voice services amongst households).

²⁷ *Id.* at 6.

²⁸ *Id.* at 7.

supporting information in the record, three of which relate to this prong of the test and are as follows:

1. CenturyLink's witnesses were inconsistent in the assignment of census blocks to exchanges, resulting in inconsistencies in the number of households assigned to each wire center;
2. CenturyLink uses an acceptable definition of household, as the term "household" was undefined in Minn. Stat. § 237.025 however, for a few wire centers[,] CenturyLink employs a different definition so that it can satisfy the requirement to serve fewer than fifty percent of households in each exchange; [and]
3. CenturyLink undercounted the access lines in each wire center by failing to count UNE-P lines, resale lines, and households choosing to purchase business lines only[.]²⁹

Ms. Gullikson's analysis of the number of CenturyLink voice customers in wire centers found that, with the addition of certain lines that CenturyLink excluded, ten wire centers do not meet the 50 percent market share standard.³⁰ In addition, the Department expressed its concern regarding CenturyLink's "correction" of data in the wire centers of Cook, Tofte, and Grand Marais, which were "proffered [with] no reasonable explanation."³¹

3. CenturyLink's response.

The Company disagreed with all three of the Department's concerns regarding its 50 percent analysis.³² In particular, the Mr. Lubeck argued that the Company employed "conservative

²⁹ Aff. of Joy Gullikson at 8.

³⁰ *Id.* at 28 (identifying those wire centers as: Cook, Tofte, Grand Marais, Swanville, Biwabik, Silver Bay, Finland, Pine City, Coleraine, and Comstock).

³¹ *Id.* at 28–29.

³² 2d Aff. of Al Lubeck at 2.

assumptions that result in a fair view of the market in each wire center.”³³ Specifically, the Company used all residential primary access lines in the numerator of the market share analysis, “regardless of whether the primary line served as a full-time residence or a second or part-year dwelling.”³⁴ According to Mr. Lubeck, this results in a conservative calculation that overstates the Company’s actual market share.³⁵

B. CenturyLink Must Also Demonstrate that at Least 60 Percent of Households in the Exchange Service Areas Can Choose Voice Service from at Least One Additional Unaffiliated Competitive Service Provider.

1. CenturyLink’s initial and supplemental petition.

In his affidavit, Mr. Brigham describes the logical steps the Company relies upon to argue that households in each of CenturyLink’s exchange service areas meet the 60 percent choice threshold. In essence, because Mr. Brigham argues that “in no wire center does CenturyLink [] provide voice service to 38% of households,” it must be that “at least 62% of households in every wire center either have voice service from another provider, or do not have voice service at all.”³⁶ Mr. Brigham also argued that even if only wireless service providers are considered, the Company meets the requirement of the statute, citing wireless coverage maps from major wireless carriers as evidence.³⁷ Mr. Brigham also points to the presence of cable companies in each wire center, according to third party data regarding estimates of voice presence of cable telephony services.³⁸

After the Commission found that CenturyLink’s initial supporting material for its contention that wireless coverage maps demonstrated it met this test, the Company filed technical information in its supplement, which was submitted by Mr. Adam Nelson. Mr. Nelson provided an engineering

³³ *Id.* at 5.

³⁴ *Id.*

³⁵ *Id.*

³⁶ Aff. of Robert Brigham at 6.

³⁷ *Id.* at 7, fn. 8.

³⁸ *Id.* at 8.

assessment in an exhibit to his affidavit. His assessment included radio frequency propagation studies of 32 wire centers “to determine where voice coverage should exist, both outdoors and in residential structures.”³⁹ These studies determined that cellular coverage from AT&T and Verizon is predicted to cover at least 60 percent of the total households in 25 of the 32 wire centers when considering indoor reception and in 30 of the 32 wire centers when considering outdoor reception.⁴⁰

2. The Department’s direct affidavits.

The Department sponsored affidavits on this issue from Ms. Gullikson and from Mr. Wes Legursky, who conducted a technical analysis on the 60 percent question. Ms. Gullikson identified four specific concerns (of her seven total) regarding this question:

1. CenturyLink made inappropriate assumptions regarding the availability of broadband causing the over counting of broadband availability;
2. CenturyLink made the mistaken assumption that the availability of broadband equates to the availability of voice service;
3. CenturyLink failed to explain how CAF II funding affects the reported number of competitive service providers; and
4. CenturyLink’s wireless study shows that the wireless service in some exchanges is inadequate to support its Petition.⁴¹

Following her analysis of these concerns, Ms. Gullikson identified 20 wire centers that do not meet the 60 percent standard with regard to wireline competitive service providers.⁴² In addition, pointing to the Company’s analysis of wireless capability in 32 exchanges, the Department identified

³⁹ Aff. of Adam Nelson at Exhibit 2, p. 3.

⁴⁰ *Id.* at 23.

⁴¹ Aff. of Joy Gullikson at 9 (internal footnote omitted).

⁴² These wire centers are Cook, Swanville, Island Lake, Biwabik, Pike Lake, Pine City, Comstock, Carlton, Mora, Ogilvie, Isanti, Rush City, Nashwauk, Foley, Roaylton, Cambridge, Buhl, Keewatin, Marble, and Staples, with marginal wire centers in Colerain, Holdingford, and Sabin. *Id.* at 29.

8 exchanges that did not meet the 60 percent standard or that were marginal.⁴³ Ms. Gullikson also recommended that, for “wire centers that have questionable results, the Commission may wish to bring the public interest to bear” and consider that in these areas, cable and “especially wireless service, may not be a perfect substitute for CenturyLink telephone service.”⁴⁴ According to the Department, there are 13 exchanges that fail to meet the 50 percent and the 60 percent standards.⁴⁵

The Department also sponsored an affidavit from Mr. Legursky, who provided technical analysis of the radio frequency propagation study conducted by the Company’s affiant, Mr. Nelson. Mr. Legursky criticized the model run by Mr. Nelson, which utilizes a random distribution of points as a step in determining wireless coverage. Mr. Legursky provided two examples that demonstrate the inherent variability in such a study.⁴⁶ He noted that it was clear that “the selection of the random points is a key factor in determining the results.”⁴⁷ He concluded from this analysis that radio frequency propagation modeling is “very complex” and that the models are frequently used by cellular carriers to make investment decisions, with the built-in assumption that the resulting service “are unlikely to provide the same landline based service quality or reliability to all the users in an area.”⁴⁸

3. CenturyLink’s response.

In response, the Company’s affiant Mr. Nelson responded that he disagreed with the conclusions of Mr. Legursky.⁴⁹ Mr. Nelson stated that he believed that his analysis should be considered a conservative estimate of coverage, rather than the upper bound suggested by the

⁴³ *Id.* at 30.

⁴⁴ *Id.* at 31.

⁴⁵ Those exchanges are: Cook, Tofte, Grand Marais, Swanville, Biwabik, Carlton, Isanti, Rush City, Nashwauk, Marble, Sabin, Staples, and Holdingford. *Id.* at 30.

⁴⁶ Aff. of Wes Legursky at 5–6.

⁴⁷ *Id.* at 6.

⁴⁸ *Id.* at 7.

⁴⁹ 2d Aff. of Adam Nelson at 1.

Department's affiant.⁵⁰ Mr. Lubeck also submitted a second affidavit to respond to the Department's affiants, specifically to the concerns raised in Ms. Gullikson's affidavit. Mr. Lubeck found the concerns to be misplaced and, in addition to an exchange-by-exchange analysis of the exchanges that were identified as not meeting the statutory criteria, urged the Commission to approve the Company's petition.

C. There are 15 Service Exchange Areas Where CenturyLink Fails to Meet the Necessary Statutory Standard.

Under the Competitive Market Regulation analysis required in subdivision 4(1), all exchanges for which approval is sought must first pass the threshold 50 percent standard. The Department's analysis suggests that nine exchanges, comprised of ten wire centers, do not meet this criterion.⁵¹ These exchanges are summarized in Table 1, below. The next step in the analysis is the 60 percent threshold of customer choice. To prevail, the Company must demonstrate that, in addition to meeting the 50 percent threshold, its exchanges meet the 60 percent test in subdivision 4(1). CenturyLink provided evidence in this record to support this step for both eligible wireline and wireless competitors. To fail under this step, then, the Commission would have to find that the Company fails to reasonably demonstrate that its exchanges meet the statutory standard in its wireline and wireless analyses. According to the Department's analysis, and assuming that the Commission finds that marginal wire centers do not reasonably meet the statutory requirements, there are six additional exchanges where the Company has not reasonably demonstrated that at least 60 percent of households in its exchanges have the choice of either wireline or wireless competitors.⁵² Table 1 summarizes these exchanges and indicates where an exchange fails both

⁵⁰ *Id.* at 2.

⁵¹ Aff. of Joy Gullikson at 28. The Finland wire center is part of the Silver Bay exchange and the Silver Bay wire center also fails the 50 percent criterion. *Id.*

⁵² These exchanges are: Staples, Holdingford, Isanti, Marble, Nashwauk, and Sabin.

wireline and wireless tests or where an exchange fails one technology and only marginally passes the other, which is indicated by “Marginal Fail” in the table.

Table 1. CenturyLink exchanges that do not pass the statutory standard.

Exchange	Fails 50% criterion (DOC)⁵³	Fails 60% (wireline)⁵⁴	Fails 60% (wireless)⁵⁵	Fail under 237.025?
Colerain	x	Marginal		Fail
Comstock	x	x		Fail
Cook	x	x	x	Fail
Grand Marais	x			Fail
Pine City	x	x		Fail
Silver Bay	x			Fail
Swanville	x	x		Fail
Tofte	x			Fail
Biwabik	x	x	x	Fail
Staples		x	x	Fail
Holdingsford		Marginal	x	Marginal Fail
Isanti		x	Marginal	Marginal Fail
Marble		x	Marginal	Marginal Fail
Nashwauk		x	Marginal	Marginal Fail
Sabin		Marginal	x	Marginal Fail

Table 1 summarizes the recommendations made by the Department in this docket. The Commission should adopt the approach recommended below in this case to find that CenturyLink’s petition under subdivision 4(1) of Minnesota Statutes section 237.025 fails for the 15 exchanges noted above.

ANALYSIS

CenturyLink filed its petition on June 30, 2016, approximately six weeks after the Competitive Market Regulation statute became law. It seeks Commission approval under

⁵³ *Id.* at 28. The Department used the Company’s count of service to residences and added UNE-P and resale lines.

⁵⁴ *Id.* at 29.

⁵⁵ *Id.* at 29–30.

subdivision 4(1) of the statute. This provision requires no inquiry into the economic basis for competition in exchange areas and requires only that the petitioning company meet the two objective requirements discussed above. Although the Commission may *not* consider the public interest or other economic tests when making its final determination under this subsection, the Company maintains the burden to demonstrate that it meets the two standards and it must do so to the Commission's satisfaction. Given the significant change to the regulatory framework under which CenturyLink and its predecessors have operated under for decades, the Commission must ensure that the record evidence provided by CenturyLink is sufficient to justify this change. The next section will describe this concept in further detail.

IV. THE DEPARTMENT HAS IDENTIFIED SIGNIFICANT CONCERNS REGARDING THE COMPANY'S METHODOLOGY AND RESULTS AND THE COMMISSION SHOULD RESOLVE DOUBTS AS TO REASONABLENESS IN FAVOR OF CONSUMERS.

The Department's analysis indicated that its experts had significant concerns regarding the methodology utilized by the Company to demonstrate that it met the statutory criteria. It further appears that at least some of the disagreements stem from differences in expert opinion. For example, the two RF experts, Mr. Nelson for the Company and Mr. Legursky for the Department, reached differing conclusions on the results of the Company's study of wireless service coverage. If the Commission finds that it has doubts as to the reasonableness of analysis conducted by the Company or if it finds that both the Company and the Department's witnesses have reached reasonable conclusions from their respective analyses, then the Commission should resolve these questions of reasonableness in favor of the consumer.

The statute provides no bright line rule when it comes to the standard that should be applied under this statute; under Minnesota Statutes section 237.025, the Commission must approve a

petition for deregulation if the criteria are met “to the [C]ommission’s satisfaction.”⁵⁶ There are at least two sources in Minnesota law that the Commission should use as guidance when considering CenturyLink’s petition. The first source are the telecommunications goals enumerated in Minnesota Statutes section 237.011. These goals should inform every decision made by the Commission in this area of law and the application of many of the goals in this case would strike against granting the Company’s petition, especially for those areas at the margin of meeting either or both competitive market criteria.

The second source is the requirement that the Commission resolve doubts as to reasonableness in favor of consumers in gas and electricity ratemaking.⁵⁷ Although not directly applicable, this concept retains resonance in this docket because of its underlying rationale, which fundamentally relates to the burden of proof in utility rate cases and in the Competitive Market Regulation analysis here. Companies hold the information advantage in almost all matters in front of the Commission. Intervening parties must undertake a laborious process during a case to extract relevant information for their analysis and ultimate recommendations. The public interest thus favors Commission resolution of questions of reasonableness in favor of consumers.

The information imbalance is perhaps more skewed in this case, as the Company has now had three chances to supplement its record (its initial and supplemental petitions and rebuttal affidavits) while governmental intervenors (the Department, in this case) have had only one opportunity to submit its expert witnesses’ conclusions. Nevertheless, the Department’s witnesses have raised reasonable concerns regarding the record provided by the Company. In some cases, these concerns indicate that at least some service exchange areas do not meet the criteria established

⁵⁶ Minn. Stat. § 237.025 subd. 4.

⁵⁷ Minn. Stat. § 216B.03.

in subdivision 4(1). In light of the state's telecommunications goals and the Commission's requirement to resolve doubts as to reasonableness in favor of consumers in other instances, the Commission should give strong consideration to the arguments set forth by the Department's witnesses in this case and reject CenturyLink's petition for the exchange service areas described in Table 1 above.

V. IF APPROVED, COMPANY SHOULD BE REQUIRED TO PROVIDE ADEQUATE NOTICE TO ITS CUSTOMERS AND REPORT ANNUALLY TO THE COMMISSION ON WHETHER IT MEETS SUBDIVISION 4 REQUIREMENTS

If the Commission finds that CenturyLink has demonstrated that it meets the statutory criteria to its satisfaction, at least as to some of the exchanges, then it should require that the Company make several commitments that will ensure that the public is informed of the change (and its implications) and that the Commission and other parties can monitor the competitive landscape in each of its service exchange areas. First, the Company should provide notice to all of its affected customers, informing them of the change in regulatory structure and the implications of the change now and into the future. Second, the Commission should order the Company to annually submit information in this or a separate docket regarding the subdivision 4 status of all exchange service areas that will have been deregulated in this docket.

A. The Commission Should Require the Company to Provide Adequate Notice to its Customers with a Meaningful Opportunity for Governmental Intervenors to Review the Notice Before it is Issued.

Effective notice has been an issue in this docket throughout the proceeding. First, early in the proceeding, the Department asked CenturyLink if it planned to provide notice to its customers of the impending change and, if so, whether it would provide notice to other parties for review prior to its

distribution.⁵⁸ CenturyLink first objected to the question and then asserted that it was not required by law to provide notice to its customers regarding its petition.⁵⁹ In November 2016, the OAG recommended that the Commission take steps to ensure that public engagement be promoted by holding informational public meetings and by providing customers with notice.⁶⁰ Those Comments stated the following:

The Commission should also require the Company to provide notice to all affected customers of its proposed change to the regulatory structure in the state along with information about ways that its affected customers can both submit comments and attend public hearings. It is important that the Company be required to notify its customers of the potential for significant change in regulatory oversight that could result from approval of its petition. In addition, *other parties should have the opportunity to review*, and the Commission should approve or deny, the notice before it is delivered to customers.⁶¹

In response, the Company opposed providing its customers with notice and “strongly oppos[ed]” holding informational public meetings.⁶² The Company further rejected the rationale for requiring it to provide customer notice described in the above block quote, claiming that informing its customers would be too confusing.⁶³ The Commission required the Company to provide notice to its customers in its January 27, 2017 Order, but unfortunately did not allow other parties—the only parties to advocate for customer notice—to review the notice prior to its distribution to customers.⁶⁴ As a result, as noted in the Department’s February 6, 2017 Letter in this docket, the Company and the

⁵⁸ See OAG’s Aug. 18, 2016 Comments at Schedule JAD-07 (CenturyLink’s Response to DOC IR No. 25) (“CenturyLink objects to this request as not reasonably calculated to lead to the discovery of admissible evidence. Minnesota Statute s 237.025, Subd. 2 sets forth the service requirements with this petition. *CenturyLink does not believe that service on all affected retail customers is required by statute.*”).

⁵⁹ *Id.*

⁶⁰ OAG’s Nov. 14, 2016 Comments at 5.

⁶¹ *Id.* (emphasis added).

⁶² CenturyLink’s Dec. 2, 2016 Comments at 1.

⁶³ *Id.* at 8.

⁶⁴ Commission’s Jan. 27, 2017 Order at 4.

Commission met in early January, approximately three weeks prior to its Order, and decided upon the form and content of the notice without other parties' input.⁶⁵

The resulting final notice (which was later published by the Commission on February 8) was included under the "What's New On Your Bill" section in tiny font.⁶⁶ The notice was brief and nondescript. It made no mention of the expiration of CenturyLink's AFOR, which had just expired at the end of 2016, along with the negotiated consumer protections and commitments to invest in its infrastructure. It was silent as to the obligations to report its service quality and on its progress in making infrastructure investments. And, finally, it arguably misrepresented the impact on rates by implying that its monthly rates could only increase by \$2 until 2023 and thereafter by \$2. In reality, under the statute, CenturyLink could increase its monthly basic local service rates beginning in 2018 by \$2 every 12 months until the end of 2022 (up to a \$25 per month ceiling).⁶⁷ Beginning in 2023, the Company would be freed of this \$25 ceiling and would be able to increase its basic local service rates at \$2 per month at an interval of every 12 months, in perpetuity, unless the Commission determines upon investigation that the rate will result in "substantial consumer harm."⁶⁸ The freedom to institute effectively annual rate hikes represents a profound change in ratemaking in the state, but it would be impossible for customers to know this based on the notice that customers received in their bills recently.

Given this context, it is vital for any subsequent Commission action to fully address both the existence and the adequacy of the Company's notice and outreach efforts. At a minimum, the Commission should order the Company to provide adequate notice to its customers with explicit language requiring the Company and the Commission to include the other governmental intervenors

⁶⁵ Department's Feb. 6, 2017 Letter at 1-2.

⁶⁶ See Commission's Feb. 8, 2017 Approval of Customer Notice.

⁶⁷ Minn. Stat. s 237.025 subd. 8(b)(2).

⁶⁸ Minn. Stat. s 237.025 subd. 8(b)(3).

in the review process. The Commission should require the Company to file its proposed notice in this docket no later than 10 days after the Order is published and solicit comments from parties prior to approval of the notice at an agenda meeting. The Commission should also order the Company to develop an outreach plan in order to provide additional clarifying information to its customers that a plain printed notice cannot provide. Such an outreach plan could include an interactive webpage, a social media campaign, or traditional print and/or television advertising. The following is an example of notice that would address many of the shortcomings in CenturyLink's prior customer notice:

On May XX, the Minnesota Public Utilities Commission ("Commission") approved a request by CenturyLink to be deregulated. This notice will provide answers to common questions from customers.

What does deregulation mean?

Deregulation means that the Commission will no longer have authority to regulate the rates for basic local service charged by the CenturyLink. CenturyLink has provided information to the Commission that it serves fewer than 50 percent of households in each deregulated exchange service area and that at least 60 percent of those households have the choice to receive voice service from a competitor, under the law. The rationale behind deregulation is that the competitive marketplace, not traditional state regulators, should regulate the rates and service quality of telephonic service.

Under what type of regulation was CenturyLink previously subject to?

Prior to this approval, CenturyLink had been regulated under what is known as an alternative form of regulation, or AFOR. Under its AFOR, CenturyLink was required to either keep its basic local service rates steady or demonstrate that it was providing adequate levels of service quality to its customers. In addition, under the AFOR, the Company was required to make a commitment to invest in infrastructure and to file progress reports.

What does deregulation mean for CenturyLink?

Under deregulation, the Company will not be required to report progress on its infrastructure investments or its service quality results to the Commission. In addition, the Company will have more flexibility to increase the rates charged to customers for basic local service.

What does deregulation mean for me?

Starting in 2018, CenturyLink can hike its rates for basic local telephone service by \$2 per month each year, up to a total monthly fee of \$25. After 2023, the Company would be able to hike its monthly rates by \$2 each year, every year, unless a Commission investigation finds that the rate will result in harm to customers.

Who can I contact with concerns about my bill?

You can contact the Commission’s Consumer Affairs Office at the following:

Minnesota Public Utilities Commission
Consumer Affairs Office
121 7th Place East, Ste. 350
Saint Paul, MN 55101-2147
(651) 296-0406 1-(800) 657-3782
consumer.puc@state.mn.us

Or you may contact the Office of the Minnesota Attorney General at the following:

The Office of the Minnesota Attorney General Lori Swanson
445 Minnesota Street, Ste. 1400
Saint Paul, MN 55101
(651) 296-3353 1-(800) 657-3787

It is important for these government agencies to hear from customers who have concerns regarding the quality of service, bill increases, or a lack of competition in their area.

Notice in this form is informative and can help consumers better understand the significance of the Commission’s action in this docket. In addition to a notice requirement, the Commission should also require CenturyLink to provide regular updates regarding competition in the service exchange areas that were eligible for Competitive Market status in this docket.

B. The Commission Should Require CenturyLink to Provide Information in the Future to Ensure that the Competitive Criteria in Subdivision 4 Continue to be Met.

Subdivision 11 of the Competitive Market Regulation statute allows the Commission to “open a proceeding to examine whether the competitive criteria in subdivision 4 continue to be met in an exchange service area” that has been deregulated. If the Commission determines that the criteria are no longer met, it “shall determine the appropriate level of regulation for that provider in

that exchange service area.”⁶⁹ Given the uncertainty roiling the telecommunications sector at the moment, it is important that the Commission receive up-to-date information on a regular basis to ensure that CenturyLink is being appropriately regulated. The Commission has the authority to open a proceeding upon its own motion (or upon petition), but a requirement that CenturyLink file supportive data on a regular basis would promote administrative efficiency.

CONCLUSION

In 1913, AT&T was granted a monopoly in its telecommunications service by the government in return for offering reasonably-priced and universal service everywhere within its service territories.⁷⁰ To state the obvious, the world has changed over the intervening century, but the need for common sense regulation of incumbent telecommunications providers remains and the justification for such regulation remains little changed. Without real competition—based in sound economic theory—to effectively regulate an incumbent telephone company, some level of regulation is needed to ensure that Minnesotans receive their phone service at just and reasonable rates at a high quality of service. These concepts are foundational to the state’s telecommunications goals and the Commission’s duty under the law.⁷¹

This proceeding is the second attempt by the Company to rid itself of meaningful regulatory oversight by the Commission in as many years. In 2014, CenturyLink filed a petition requesting elimination of all service quality rules because it claimed the longstanding rules “are burdensome and unnecessary in light of effective competition in the local telecommunications market.”⁷² The

⁶⁹ Minn. Stat. § 237.025 subd. 11.

⁷⁰ Annabel Z. Dodd, *The Essential Guide to Telecommunications* 118 (2012) (5th ed.).

⁷¹ See Minn. Stat. § 237.011.

⁷² *In the Matter of the CenturyLink, Inc. Petition for Rulemaking to Revise Service Quality Rules*, MPUC Docket Nos. P-999/R-14-413, P-421/AM-14-256, Order Closing Rulemaking Proceeding and Initiating a Stakeholder Workgroup Process at 1 (May 2, 2016).

Commission rightfully denied this request, stating that the Company's argument that all communications services occupy the same market as its wireline telephone service "is not based on sound economic theory" and was, in fact, "counter to established economic principles" on market competition.⁷³

In 2016, only weeks after the Commission's Order in the service quality rulemaking docket was published, CenturyLink tried again, this time utilizing newly-enacted legislation in the Competitive Market Regulation statute. CenturyLink's petition under the Competitive Market Regulation statute caps a concerted, years-long resistance to Commission regulation of basic local voice service and could mark the end of a regulatory framework that has withstood a century of technological changes to maintain important consumer protections.

The economic rationale for deregulation is no more sound than it was in 2016, when the Commission declined to adopt CenturyLink's request to eliminate its service quality rules because of the competition it faced in this sector. Here, the Commission is being asked to approve deregulation without regard for these important economic concepts. Though the breadth of its review may be more limited here, the Commission is not without useful analytic tools. In particular, it should heed the state's telecommunications goals, which include maintaining just and reasonable rates and maintaining or improving quality of service, and it should seek to resolve doubts as to reasonableness in favor of consumers. Following this approach, the Commission should reject CenturyLink's petition for the 15 exchanges that fail to reasonably meet the statutory requirements based on the record to be considered in this docket. If the Commission does approve CenturyLink's petition for some or all of its exchanges, then it should also require the Company to provide adequate

⁷³ *Id.* at 14.

notice (with an opportunity for intervenor review) and to file updates to the competitive status in all of its exchanges on a regular basis.

Dated: March 9, 2017

Respectfully submitted,

LORI SWANSON
Attorney General
State of Minnesota

s/ **Joseph A. Dammel**

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

**BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS
600 North Robert Street
St. Paul, Minnesota 55101**

**FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION
121 7th Place East
Suite 350
St. Paul, Minnesota 55101-2147**

MPUC Docket No. P-421/AM-16-496

**In the Matter of the Petition of CenturyLink QC to be Regulated Pursuant to Minn.
Stat. § 237.025; Competitive Market Regulation**

**PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW
OF THE OFFICE OF THE ATTORNEY GENERAL
RESIDENTIAL UTILITIES AND ANTITRUST DIVISION**

March 9, 2017

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**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE
PUBLIC UTILITIES COMMISSION**

In the Matter of the Petition of CenturyLink
QC to be Regulated Pursuant to Minn.
Stat. § 237.025; Competitive Market
Regulation

PUC Docket No. P-421/AM 16-496

**PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW
OF THE OFFICE OF THE ATTORNEY GENERAL**

Pursuant to the Minnesota Public Utilities Commission’s (“Commission”) January 27, 2017 Order, the Office of the Attorney General—Residential Utilities and Antitrust Division (“OAG”) hereby files its Proposed Findings of Fact and Conclusions of Law regarding the petition of Qwest Corporation d/b/a CenturyLink QC (“CenturyLink” or “the Company”) under the Competitive Market Regulation statute. Due to the nature and scope of the OAG’s involvement in the technical issues in this docket, these Proposed Findings will focus on the procedural, legal, and policy-based findings that the Commission should make in this proceeding.

FINDINGS OF FACT

I. PROCEDURAL BACKGROUND

1. On June 30, 2016, CenturyLink filed a petition to deregulate its basic local phone service in each of its 109 Minnesota exchanges. The Company filed its petition under the Competitive Market Regulation statute that was enacted in 2016. In addition to the petition, CenturyLink also included a twelve-page affidavit and supporting documentation.
2. Both the OAG and the Minnesota Department of Commerce (“Department”) filed timely objections to the petition on August 15, 2016 and also recommended that the Commission find that CenturyLink’s petition was incomplete.
3. The Commission met on September 13, 2016 to determine completeness. In its November 2 Order following the meeting, the Commission found that CenturyLink’s petition was incomplete as to two elements—documentation regarding the loss of local voice customers using number porting data and its reliance on wireless coverage maps.

4. In its November 2, 2016 Order, the Commission invited CenturyLink to supplement its petition and, upon doing so, initiated an expedited proceeding under Minnesota Statutes section 237.61 and gave parties ten days to object to the use of such a proceeding.
5. On November 14, 2016, the OAG submitted Comments on the use of an expedited proceeding. No formal objection was made, but recommendations were presented to ensure that a robust record was developed with ample opportunity for public participation and comment through public hearings and effective notice to parties.¹
6. On November 21, 2016, CenturyLink supplemented its petition with two additional affidavits in response to the Commission’s November 2, 2016 Order.
7. On November 22, 2016, the Department filed Reply Comments supporting the recommendations made by the OAG, emphasizing the importance of customer notice, and proposing a procedural schedule for the expedited proceeding.²
8. The Commission met on December 21, 2016 to determine completeness and to set a procedural schedule for the expedited proceeding. At the meeting, the Commission found that CenturyLink’s supplement completed its petition and that the objections of the OAG and the Department still applied. It also established the procedural schedule.
9. CenturyLink’s alternative form of regulation (“AFOR”) plan expired on December 31, 2016.
10. The parties to this proceeding included the OAG, the Company, and the Department. The Department of Defense and all other Federal Executive Agencies filed a motion to intervene on January 5, 2017, which CenturyLink opposed. This party withdrew its motion on January 19, 2017.

II. THE LEGAL STANDARD

A. The Competitive Market Regulation Statute.

11. CenturyLink must demonstrate “to the [C]ommission’s satisfaction,” that it meets the competitive criteria found in subdivision 4 of this chapter.³
12. There are two criteria found in subdivision 4(1) that the Company must demonstrate that it meets.
13. The first criterion is that the carrier must serve fewer than 50 percent of households in an exchange area.⁴
14. The second criterion is that the carrier must also demonstrate that at least 60 percent of households in each exchange area can “choose voice service from at least one additional unaffiliated competitive service provider.”⁵

¹ See OAG’s Nov. 14, 2016 Comments at 6 (recommending assignment of an ALJ for discovery dispute resolution, the holding of public hearings, and the provision of adequate customer notice).

² Department’s Nov. 22, 2016 Reply Comments.

³ Minn. Stat. § 237.025 subd. 5.

⁴ Minn. Stat. § 237.025 subd. 4(1). Subdivision 4(2) covers a carrier that serves greater than 50 percent of households in an exchange area and requires additional demonstration from the carrier that it is subject to competition in those exchanges, but CenturyLink’s request is specific to subdivision 4(1) criteria only.

⁵ Minn. Stat. § 237.025 subd. 4(1).

15. A competitive service provider is defined as either a wireless voice provider or “any other provider of local voice service who owns a substantial proportion of the last-mile or loop facilities delivering service to a majority of households in an exchange area, without regard to the technology used to deliver the service.”⁶
16. The definition of competitive service provider does not include a provider using satellite technology, a wireless voice service provider who resells voice services purchased at wholesale, a competitive local exchange carrier (“CLEC”) who does not own a substantial portion of the last-mile or loop facilities over which they provide local voice service, an over-the-top voice-over-internet-protocol (“VOIP”) provider, or a local exchange carrier petitioning to be deregulated or an affiliate of the petitioning carrier.⁷
17. A petition filed under this statute must include seven items:
 1. A list of exchange service areas in which the local exchange carrier is seeking to be regulated under this section;
 2. The local services offered by the local exchange carrier in each exchange service area;
 3. A list of competitive service providers in each exchange service area;
 4. A description of affiliate relationships the petitioning local exchange carrier has with any provider of local service in each exchange service area;
 5. Documentation demonstrating that the local exchange carrier’s loss of local service customers to unaffiliated competitive service providers in each exchange service area over, at a minimum, the previous five years;
 6. Evidence demonstrating that the local exchange carrier satisfies the competitive criteria under subdivision 4 in each exchange service area; and
 7. Other information requested by the Commission that is relevant to the applicable competitive criteria under subdivision 4.⁸
18. The statute provides guidelines for lodging objections from parties (45 days), which triggers the review and comment process currently underway at the Commission.⁹
19. If the petition is approved, the petitioning, incumbent carrier would be subject to requirements that CLECs are required to meet under state law.¹⁰

⁶ Minn. Stat. § 237.025 subd. 1.

⁷ Minn. Stat. § 237.025 subd. 1.

⁸ Minn. Stat. § 327.025 subd. 2.

⁹ Minn. Stat. § 237.025 subd. 3.

¹⁰ Minn. Stat. § 237.025 subd. 6.

B. Telecommunications Goals in Minnesota.

20. In addition to the requirements under the Competitive Market Regulation statute, there are other considerations for the Commission in the executions of its regulatory duties. Particularly relevant to this proceeding are the following state goals:

- Supporting universal service;
- Maintaining just and reasonable rates;
- Maintaining or improving quality of service; and
- Ensuring consumer protections are maintained in the transition to a competitive market for local telecommunications service.¹¹

III. THERE ARE 15 SERVICE EXCHANGE AREAS WHERE CENTURYLINK FAILS TO MEET THE STATUTORY STANDARD.

21. Experts from the Department have identified 15 service exchange areas where CenturyLink fails to meet the statutory standard required for approval of its petition for these exchanges.

22. There are nine exchanges, comprised of ten wire centers, that do not meet the threshold 50 percent standard.¹² In other words, in nine exchanges, CenturyLink provides the applicable voice service to over 50 percent of households.

23. There are also six additional exchanges that fail to meet the 60 percent competitive provider choice standard because of doubts as to the reasonableness of the Company's evidence of wireline and wireless competition in those exchanges.¹³

24. In its Initial Brief, the OAG provided a table summarizing this analysis and identifying those service exchange areas where the Company fails to meet the necessary standard(s) under the statute.¹⁴ This table is reproduced here:

¹¹ Minn. Stat. § 237.011.

¹² Aff. of Joy Gullikson at 28. The Finland wire center is part of the Silver Bay exchange and the Silver Bay wire center also fails the 50 percent criterion. *Id.*

¹³ These exchanges are: Staples, Holdingford, Isanti, Marble, Nashwauk, and Sabin.

¹⁴ OAG Initial Brief at 15.

Table 1. CenturyLink exchanges that do not pass the statutory standard.

Exchange	Fails 50% criterion (DOC)¹⁵	Fails 60% (wireline)¹⁶	Fails 60% (wireless)¹⁷	Fail under 237.025?
Colerain	x	Marginal		Fail
Comstock	x	x		Fail
Cook	x	x	x	Fail
Grand Marais	x			Fail
Pine City	x	x		Fail
Silver Bay	x			Fail
Swanville	x	x		Fail
Tofte	x			Fail
Biwabik	x	x	x	Fail
Staples		x	x	Fail
Holdingsford		Marginal	x	Marginal Fail
Isanti		x	Marginal	Marginal Fail
Marble		x	Marginal	Marginal Fail
Nashwauk		x	Marginal	Marginal Fail
Sabin		Marginal	x	Marginal Fail

IV. RESOLUTION OF DOUBTS AS TO REASONABLENESS IN FAVOR OF CONSUMERS.

25. The Department’s analysis indicated that its experts had significant concerns regarding the methodology utilized by the Company to demonstrate that it met the statutory criteria.
26. At least some of the Department’s concerns arise out of differences in expert opinion professed by the affiants.
27. In reviewing these expert opinions, if the Commission finds that both opinions are reasonable, or if it finds a position taken by the Company to be unreasonable, then it must determine a framework within which it will resolve these doubts as to reasonableness.
28. The statute provides no bright line rule when it comes to the standard that should be applied under this statute; under Minnesota Statutes section 237.025, the Commission must approve a petition for deregulation if the criteria are met “to the [C]ommission’s satisfaction.”¹⁸

¹⁵ Aff. of Joy Gullikson at 28. The Department used the Company’s count of service to residences and added UNE-P and resale lines.

¹⁶ *Id.* at 29.

¹⁷ *Id.* at 29–30.

¹⁸ Minn. Stat. § 237.025 subd. 4.

29. The telecommunications goals enumerated in Minnesota Statutes section 237.011 inform every decision made by the Commission in this area of law and the application of many of the goals in this case would strike against granting the Company's petition, especially for those areas at the margin of meeting either or both competitive market criteria.
30. In addition, the Commission will look to the requirement that the Commission resolve doubts as to reasonableness in favor of consumers in gas and electricity ratemaking when considering the resolution of doubts as to reasonableness in this case.¹⁹ The spirit of this concept is applicable in this docket because of its underlying rationale, which fundamentally relates to the burden of proof in electric and gas utility rate cases and in the Competitive Market Regulation analysis here.
31. The Department's witnesses have raised reasonable concerns regarding the record provided by the Company. In some cases, these concerns indicate that at least some service exchange areas do not meet the criteria established in subdivision 4(1).
32. In light of the state's telecommunications goals and the Commission's requirement to resolve doubts as to reasonableness in favor of consumers in other instances, and given the record in this docket, the Commission will reject CenturyLink's petition for the 15 exchanges where doubts as to reasonableness exist regarding the Company's demonstration that it meets the statutory requirements under the Competitive Market Regulations statute.

V. CUSTOMER NOTICE AND FUTURE FILINGS.

33. Effective notice to customers has been an issue throughout this proceeding, most notably raised by the OAG and the Department,²⁰ who have sought to ensure that CenturyLink's customers are kept informed of the status and implications of the type of regulatory status that the Company seeks.
34. Commission will hereby order the Company to provide adequate notice to its customers in affected exchanges.
35. The Company shall develop its proposed customer notice with input from all interested parties.
36. The Company shall file a proposed customer notice in this docket no later than 10 days after the Commission's final, written determination is published.
37. Parties will have an opportunity to review the proposed notice and provide comments to the Commission prior to a vote on approval of the notice at a full Commission agenda meeting.
38. The OAG has proposed a reasonable draft customer notice in its Initial Brief and the Commission requests that the Company utilize the language contained in the draft notice in its proposal:

On May XX, the Minnesota Public Utilities Commission ("Commission") approved a request by CenturyLink to be

¹⁹ Minn. Stat. § 216B.03.

²⁰ See OAG Initial Brief at XX (summarizing concerns over the handling of customer notice in this proceeding).

deregulated. This notice will provide answers to common questions from customers.

What does deregulation mean?

Deregulation means that the Commission will no longer have authority to regulate the rates for basic local service charged by the CenturyLink. CenturyLink has provided information to the Commission that it serves fewer than 50 percent of households in each deregulated exchange service area and that at least 60 percent of those households have the choice to receive voice service from a competitor, under the law. The rationale behind deregulation is that the competitive marketplace, not traditional state regulators, should regulate the rates and service quality of telephonic service.

Under what type of regulation was CenturyLink previously subject to?

Prior to this approval, CenturyLink had been regulated under what is known as an alternative form of regulation, or AFOR. Under its AFOR, CenturyLink was required to either keep its basic local service rates steady or demonstrate that it was providing adequate levels of service quality to its customers. In addition, under the AFOR, the Company was required to make a commitment to invest in infrastructure and to file progress reports.

What does deregulation mean for CenturyLink?

Under deregulation, the Company will not be required to report progress on its infrastructure investments or its service quality results to the Commission. In addition, the Company will have more flexibility to increase the rates charged to customers for basic local service.

What does deregulation mean for me?

Starting in 2018, CenturyLink can hike its rates for basic local telephone service by \$2 per month each year, up to a total monthly fee of \$25. After 2023, the Company would be able to hike its monthly rates by \$2 each year, every year, unless a Commission investigation finds that the rate will result in harm to customers.

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Or you may contact the Office of the Minnesota Attorney General at the following:

The Office of the Minnesota Attorney General Lori Swanson

445 Minnesota Street, Ste. 1400
Saint Paul, MN 55101
(651)296-3353 1-(800) 657-3787

It is important for these government agencies to hear from customers who have concerns regarding the quality of service, bill increases, or a lack of competition in their area.

39. In its compliance filing containing the proposed notice, the Company shall also file an outreach plan to provide additional information to its customers. For example, such an outreach plan could include an interactive webpage, a social media campaign, or traditional print and/or television advertising.
40. In addition to customer notice, the Commission also requests that the Company file information regarding the status of subdivision 4 competitive criteria in all of its service exchange areas that have been approved under this statute.
41. The Commission also has the authority to open a proceeding upon its own motion in order to “examine whether the competitive criteria in subdivision 4 continue to be met.”²¹
42. This information will allow the Commission and other interested parties to monitor the status of competition in CenturyLink’s exchanges to ensure that the Company is receiving an appropriate level of regulatory oversight as permitted by Minnesota law.

CONCLUSIONS OF LAW AND RECOMMENDATION

1. The Minnesota Public Utilities Commission has jurisdiction over the subject matter of this proceeding pursuant to Minn. Stat. Chapter 237.
2. Any of the Foregoing Findings that should be treated as Conclusions are hereby adopted as Conclusions.

Based on the foregoing Findings of Fact and Conclusions of Law, IT IS RECOMMENDED that the Minnesota Public Utilities Commission order that:

²¹ Minn. Stat. § 237.025 subd. 11.

3. CenturyLink's petition under the Competitive Market Regulation statute, Minnesota Statutes section 237.025, be denied for those exchange service areas where the Company has not demonstrated, to the Commission's satisfaction, that it has met the competitive criteria set forth in the statute.

Dated: March 9, 2017

Respectfully submitted,

LORI SWANSON
Attorney General
State of Minnesota

s/ **Joseph A. Dammel**

JOSEPH A. DAMMEL
Assistant Attorney General
Atty. Reg. No. 0395327

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ATTORNEYS FOR OFFICE OF THE
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March 9, 2017

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

**RE: In the Matter of the Petition of CenturyLink QC to be Regulated Pursuant to Minn. Stat. § 237.05; Competitive Market Regulation
Docket No. P421/AM-16-496**

**Repository for “Highly Sensitive Protected Data” subject to additional protection in
Docket 16-496 (In the Matter of the Petition of CenturyLink QC to be Regulated
Pursuant to Minn. Stat. § 237.025 Competitive Market Regulation)
Docket No. P-421/AM-16-547**

Dear Mr. Wolf:

Enclosed and e-filed in the above-referenced matter please find *Initial Brief and Proposed Findings of Fact of the Office of the Attorney General*.

By copy of this letter, all parties have been served. An Affidavit of Service is also enclosed.

Sincerely,

s/ **Joseph A. Dammel**

JOSEPH A. DAMMEL

Assistant Attorney General

(651) 757-1061 (Voice)

(651) 296-9663 (Fax)

Enclosures

AFFIDAVIT OF SERVICE

**RE: In the Matter of the Petition of CenturyLink QC to be Regulated Pursuant to Minn. Stat. § 237.05; Competitive Market Regulation
Docket No. P421/AM-16-496**

**Repository for “Highly Sensitive Protected Data” subject to additional protection in
Docket 16-496 (In the Matter of the Petition of CenturyLink QC to be Regulated
Pursuant to Minn. Stat. § 237.025 Competitive Market Regulation)
Docket No. P-421/AM-16-547**

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

I, RACHAEL BERNARDINI, hereby state that on this 9th day of March, 2017, I filed with eDockets *Initial Brief and Proposed Findings of Fact of the Office of the Attorney General* and served the same upon all parties listed on the attached service list by email, and/or United States Mail with postage prepaid, and deposited the same in a U.S. Post Office mail receptacle in the City of St. Paul, Minnesota.

s/Rachael Bernardini
Rachael Bernardini

Subscribed and sworn to before me
this 9th day of March, 2017.

s/ Judy Sigal
Notary Public

My Commission expires: January 31, 2020

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Francis X	Ahearn	fahearn@bcmone.com	McGraw Communications, Inc.	521 5th Ave Floor 14 New York, NY 10175-1200	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Marc	Alciati	malciati@inteltrace.com	Inteltrace, inc	448 Ignacio Blvd Ste 222 Novato, CA 94949	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_16-496_Official CC Service List
Kristine	Anderson	kanderson@jagcom.net	Jaguar Communications, Inc.	213 S Oak Ave Ste 2000 Owatonna, MN 55060	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Chris	Antoniou	christos.t.antoniou@one.verizon.com	MCImetro Access Transmission Services LLC	1320 North Court House Road Arlington, VA 22201	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Ross	Artale	rartale@spectrotel.com	Spectrotel, Inc.	3535 State Highway 66 Ste 7 Neptune, NJ 07753	Electronic Service	No	OFF_SL_16-496_Official CC Service List
David	Bailey	dbailey@bullseyetelecom.com	BullsEye Telecom, Inc.	25925 Telegraph Rd Ste 210 Southfield, MI 48033	Electronic Service	No	OFF_SL_16-496_Official CC Service List
John	Bertsch		Augeo Communications, LLC	2561 Territorial Road St. Paul, MN 55114	Paper Service	No	OFF_SL_16-496_Official CC Service List
Kevin	Beyer	mnpucnotices@fedtel.net	Federated Telephone Cooperative	405 2nd Street East PO Box 156 Chokio, MN 56221	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Kevin	Beyer	kbeyer@fedtel.net	Farmers Mutual Telephone Company	301 2nd St S Bellingham, MN 56212-1000	Electronic Service	No	OFF_SL_16-496_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
David	Bickett	dave.bickett@parkregion.com	Otter Tail Telcom	PO Box 277 100 Main St Underwood, MN 56586	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Carl	Billek, Esq.	carl.billek@idt.net	IDT America Corp.	550 Broad St 17th Fl 520 Broad Street Newark, NJ 07102	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Mark	Birkholz	N/A	Mainstreet Communications, LLC	150 Second St. SW Perham, MN 56573	Paper Service	No	OFF_SL_16-496_Official CC Service List
Mark	Birkholz	mark.birkholz@arvig.com	Redwood County Telephone Company	150 2nd Ave SW Perham, MN 56573	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Barb	Bornhoft	barbornhoft@nu-telcom.net	NU-Telecom	27 N Minnesota St New Ulm, MN 56073	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Barbara	Boshoven	bboshoven@ussignal.com	US Signal Company, L.L.C.	201 Ionia Ave SW Grand Rapids, MI 49503	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Paul	Brinkman	paulb@nesc.k12.mn.us	Northeast Service Cooperative	5525 Emerald Ave Mountain Iron, MN 55768-2068	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Johnny	Brown	BADEMAILjohnny@gzlink.net	Gazelle Link, LLC	1450 Boyson Road Bldg. C 3-A Hiawatha, IA 52233	Paper Service	No	OFF_SL_16-496_Official CC Service List
Jenna	Brown	jbrown@vcmsolutions.com	QuantumShift Communications, Inc	12657 Alcosta Blvd Ste 418 San Ramon, CA 94583	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Mary	Buley	mary.buley@onvoy.com	Onvoy, LLC	10300 6th Ave N Plymouth, MN 55441	Electronic Service	No	OFF_SL_16-496_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kristin	Burton	Kristin.Burton@vastbroadband.com	Vast Broadband	104 E. Center St. Suite 201 Sikeston, MO 63801	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Tony	Cash	legal@365wireless.net	365 Wireless, LLC	1500 Trotters Cove Atlanta, GA 30338	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Austin	Chapman	communicationonlinefiling@avalara.com	PNG Telecommunications, Inc.	8675 W 96th St Ste 229 Overland Park, KS 66212	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 55101-2198	Electronic Service	Yes	OFF_SL_16-496_Official CC Service List
EK	Chinwah	ek@mymti.com	Midwestern Telecommunications, Inc.	15426 S 70th Ct Orland Park, IL 60462	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Beth	Choroser	beth_choroser@comcast.com	Comcast Business Communications, Inc.	One Comcast Center, 50th Floor Philadelphia, PA 19103	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Brent	Christensen	bchristensen@mnta.org	Minnesota Telecom Alliance	1000 Westgate Drive, Ste 252 St. Paul, MN 55117	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Brett	Christiansen	brett.christiansen@arvig.com	Arvig	150 Second Street SW Perham, MN 56573	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Geoff	Cookman	regulatory@granitenet.com	Granite Telecommunications, LLC	100 Newport Avenue Ext Quincy, MA 02171	Electronic Service	No	OFF_SL_16-496_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Rod	Cox	rod.cox@tdsmetro.com	TDS Metrocom	Suite 6000 525 Junction Road Madison, WI 53717	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Doka	Cullender	caudle@att.com	Teleport Communications America, LLC	6309 Boyce Ln Austin, TX 78754	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Paul	Cusack	pcusack@voxbeam.com	Voxbeam Telecommunications Inc. dba Magic Telecom	6314 Kingspointe Pkwy Ste 1 Orlando, FL 32819	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Legal	Department	legal@granitenet.com	Granite Telecommunications LLC	100 Newport Avenue Ext. Quincy, MA 02171	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Regulatory	Department	Regulatory.dept@birch.com	Cbeyond	N/A	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Legal	Department	N/A	New Cingular Wireless PCS, LLC(PARTY)	208 S. Akard Street Room 3135 Dallas, TX 75202	Paper Service	No	OFF_SL_16-496_Official CC Service List
Mike	Dienhart	Mike.Dienhart@uscellular.com	United States Cellular Corporation	8410 W Bryn Mawr Ave Ste 700 Chicago, IL 60631	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Shannon	Dieringer	sdieringer@firstcomm.com	First Communications LLC	3340 West Market Street Akron, OH 44333	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Tim	Dodge	tim.dodge@clearfly.net	Greenfly Networks, Inc. dba Clearfly Communications	Clearly Communications 222 N 32nd Ste 904 Billings, MT 59104	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Andoni	Economou	aeconomou@mettel.net	Metropolitan Telecommunications of Minnesota, Inc.	55 Water St FL 31 New York, NY 10041	Electronic Service	No	OFF_SL_16-496_Official CC Service List

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Tim	Elliott	timelliott@nu-telecom.net	Hutchinson Telecommunications Inc.	421 S CSAH 34 Litchfield, MN 55355-5234	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Ron	Elwood	relwood@mnlisap.org	Mid-Minnesota Legal Aid	2324 University Ave Ste 101 Saint Paul, MN 55114	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Steven	Fenker	sfenker1@earthlink.com	Nexus Communications, Inc dba Nexus-TSI	2631 Morse Rd Columbus, OH 43231-5931	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Director	Financial Analysis	N/A	New Cingular Wireless PCS, LLC(PARTY)	1 AT&T Way Room 4A105 Bedminster, NJ 07921	Paper Service	No	OFF_SL_16-496_Official CC Service List
Terri	Firestein	tfireccg@myactv.net	RS Fiber Cooperative	10806 Garrison Hollow Rd Clear Spring, MD 21722	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Cynthia	Firstman	cat@airespring.com	Airespring, Inc.	6060 Sepulveda Blvd. Suite 220 Van Nuys, CA 91411	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Bryan	Fleming	bryan.fleming@t- mobile.com	T-Mobile USA, Inc.(PARTY)	12920 SE 38th St Bellevue, WA 98006	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Charles	Forst	charles.forst@zayo.com	Zayo Group, LLC	1621 18th Street Suite 100 Denver, CO 80202	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Lisa Jill	Freeman	ljfreeman@bandwidth.com	Bandwidth.com CLEC, LLC	Venture Center III - 5th Floor 900 Main Campus Drive Raleigh, NC 27606	Electronic Service	No	OFF_SL_16-496_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Alexander E	Gertsburg	BADEMAIL-agertsburg@broadvox.com	Broadvox-CLEC, LLC	75 Erieview Plaza Ste 400 Cleveland, OH 44114	Paper Service	No	OFF_SL_16-496_Official CC Service List
Jim	Gleason	jgleason@claritycomm.net	Clarity Telecom, LLC	104 E Center St Ste 201 Sikeston, MO 63801-4108	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Emerald	Gratz	emerald.gratz@state.mn.us	Office of Administrative Hearings	PO Box 64620 Saint Paul, Minnesota 55164-0620	Electronic Service	Yes	OFF_SL_16-496_Official CC Service List
Jennifer	Grewe	jenniferg@wcta.net	West Central Telephone Assoc	PO Box 304 308 Frontage Rd Sebeka, MN 56477	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Brian	Gustas	bgustas@matrixbt.com	Matrix Telecom, Inc.	433 E Las Colinas Blvd Ste 400 Irving, TX 75039	Electronic Service	No	OFF_SL_16-496_Official CC Service List
K.C.	Halm	kchalm@dwt.com	Davis Wright Tremaine LLP	Suite 800 1919 Pennsylvania Avenue Washington, DC 200063402	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Bruce	Hanson	N/A	Clara City Telephone Company	1700 Technology Dr Ste 100 Willmar, MN 56201	Paper Service	No	OFF_SL_16-496_Official CC Service List
Jarrod	Harper	jharper@broadviewnet.com	Broadview Networks Inc	1018 West 9th Ave. King Of Prussia, PA 19406	Electronic Service	No	OFF_SL_16-496_Official CC Service List
John	Harrington	jharrington@inteliquent.com	Neutral Tandem-Minnesota	550 West Adams Street, Suite 900 Chicago, IL 60661	Electronic Service	No	OFF_SL_16-496_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Donna	Heaston	Donna.Heaston@IntegraTelecom.com	Integra Telecom of MN, Inc	6160 Golden Hills Drive Golden Valley, MN 55416	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Randall J.	Herman	BADEMAIL-rjherman@access-com.net	Access Communications Technologies	5005 Cheshire Pkwy N Ste 1 Plymouth, MN 55446	Paper Service	No	OFF_SL_16-496_Official CC Service List
James	Hickle	jim.hickle@velocitytelephone.com	Velocity Telephone Inc	4050 Olson Memorial Hwy Ste 100 Golden Valley, MN 55422	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Angela	Hoke	Angela.Hoke@birch.com	Ionex Communications North, Inc. dba Birch Communications	2323 Grand Blvd Ste 925 Kansas City, MO 64108	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Pamela	Hollick	N/A	Broadwing Communications, LLC	4625 W 86th St Ste 500 Indianapolis, IN 46268	Paper Service	No	OFF_SL_16-496_Official CC Service List
Pamela	Hollick	Pamela.Hollick@Level3.com	Level 3 Communications, LLC	4625 W. 86th Street Suite 500 Indianapolis, IN 46268	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Kevin	Hopkins	khopkins@telephoneassociates.com	Telephone Associates, Inc.	329 Grand Ave Superior, WI 54880	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Kim	Isaacs	kdisaacs@integratelecom.com	Integra Telecom, Inc.	6160 Golden Hills Dr. Golden Valley, MN 55416	Electronic Service	No	OFF_SL_16-496_Official CC Service List
John	Jennings	jjennings@bigrivertelephone.com	Big River Telephone Company, LLC	24 South Minnesota Avenue Cape Girardeau, MO 63702	Electronic Service	No	OFF_SL_16-496_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Bill	Jensen	bjensen@mediacomcc.com	Mediacom Minnesota LLC	PO Box 110 1504 2nd Street SE Waseca, MN 56093	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Linda	Jensen	linda.s.jensen@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota Street St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_16-496_Official CC Service List
Sherry	Jergenson	sjergenson@acentek.net	Ace Link Telecommunications Inc	207 E CEDAR ST PO BOX 360 HOUSTON, MN 55943	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Gary	Johnson	gjohnson@paulbunyan.net	Paul Bunyan Rural Telephone Coop.	P.O. Box 1596 1831 Anne Street NW Bemidji, MN 56601	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Ward	Jones	ward.jones@bestbuy.com	BBY Networks, Inc	7601 Penn Ave S B3-561 Richfield, MN 55423	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Laura	Kangas	lkangas@palmerwireless.com	Palmer Wireless, LLC	3127 120th Ave Clear Lake, MN 55319	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Steve	Katka	skatka@albanytel.com	Albany Mutual Telephone Association	131 6th St Albany, MN 56307-8322	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Adam	King	dialupmaster@youbetnet.net	KTF Telcom Inc	P.O. Box 135 Mora, MN 55051	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Jeremy	Kissel	regulatory@globalcapacity.com	GC Pivotal, LLC	180 North LaSalle Street Suite 2430 Chicago, Illinois 60601	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Larry	Knegendorf		Baldwin Broadband, LLC	930 Maple Street Baldwin, WI 54002	Paper Service	No	OFF_SL_16-496_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Rex	Knowles	Rex.Knowles@xo.com	XO Communications Services, Inc.	8851 Sandy Parkway Sandy, UT 84070	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Kenneth	Knuth	k.knuth@fecinc.com	Woodstock Telephone Company	337 Aetna St Ruthton, MN 56170	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Jim	Kolezynski	jkolezynski@eastotelecom.com	Easton Telecom Services, L.L.C.	Summit II 3046 Brecksville Rd Richfield, OH 44286	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Ron	Kooistra	rkooistra@corp.earthlink.com	EarthLink Business, LLC (fka New Edge Network, Inc. dba EarthLink Business)	2851 Charlevoix Dr SE Grand Rapids, MI 49546	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Jeff	Korn	jkorn@storesonline.com	Crexendo Business Solutions, Inc.	1303 N Research Way Orem, UT 84097	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Tim	Koxlien	tim@telequality.com	TeleQuality Communications, Inc.	21232 Gathering Oak Ste 107 San Antonio, TX 78260	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Deborah L.	Kuhn	deborah.kuhn@verizon.com	Verizon Wireless	205 N Michigan Ave FL 7 C/O VERIZON Chicago, IL 60601	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Kevin	Larson	klarson@ctctelcom.com	Consolidated Telephone Company	PO Box 972 1102 Madison St Brainerd, MN 56401	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Bret	Lawson	bret.lawson@sprint.com	Sprint/Nextel Corp.	6450 Sprint Parkway KSOP HN0304 - 3B511 Overland Park, KS 66251	Electronic Service	No	OFF_SL_16-496_Official CC Service List
James W.	Lienau		New-Cell, Inc.	PO Box 19079 450 Security Blvd. Green Bay, WI 543079079	Paper Service	No	OFF_SL_16-496_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
John	Lindell	john.lindell@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	OFF_SL_16-496_Official CC Service List
Colleen	Lockett	regulatory@intrado.com	Intrado Communications Inc.	1601 Dry Creek Dr. Longmont, CO 80503	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Mary	Lohnes	mary_lohnes@mml.net	Midcontinent Communications	3901 N Louise Ave Sioux Falls, SD 57107	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Greg	Lohrenz	gregl@aitech.net	Advanced Integrated Technologies	9855 W 78th St Ste 300 Eden Prairie, MN 55344	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Timothy	Loken	Tim.P.Loken@windstream.com	Windstream Communications, Inc.	4001 N Rodney Perham Rd Little Rock, AR 72212	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Kathy	Lund	kathylund@nu-telecom.net	New Ulm Telecom, Inc. d/b/a NU-Telecom	27 North Minnesota P.O. Box 697 New Ulm, MN 56073	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Robert W.	McCausland	robert.mccausland@h3net.com	Hypercube Telecom, LLC	3200 W Pleasant Run Rd Ste 300 Lancaster, TX 75146	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Brian	McClintock	BMcClintock@tncii.com	TNCI Operating Company LLC	114 E Haley St Ste I Santa Barbara, CA 93101	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Laurie	McDonough	laurie.mcdonough@acninc.com	ACN Communication Services, Inc.	1000 Progress Place Concord, NC 28025	Electronic Service	No	OFF_SL_16-496_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Brian	McIntyre	brian.mcintyre@dish.com	dishNET Wireline L.L.C.	9601 S. Meridian Blvd Englewood, CO 80112-5905	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Karin	Medlin	BADEMAIL- karin.e.gray@sprint.com	Sprint Spectrum L.P.	6360 Sprint Parkway Mail Stop: KSOPHE0 1D412 Overland Park, KS 66251	Paper Service	No	OFF_SL_16-496_Official CC Service List
Anthony	Mendoza	tony@mendozalawoffice.co m	Mendoza Law Office, LLC	1000 University Ave Ste 222 Saint Paul, MN 55104	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Stephen	Meradith	Stephen.Meradith@windstr eam.com	Windstream	655 W. Broadway, Ste. 850 San Diego, CA 92101	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Michael R.	Moore	michael.moore@charter.co m	Charter Communications, Inc.	12405 Powerscourt Dr St. Louis, MO 63131	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Lance	Murphy	lance.murphy@verizonwirel ess.com	Verizon Wireless	24242 Northwestern Hwy Southfield, MI 48075	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Glen	Nelson	regulatory@nhcgrp.com	New Horizons Communications Corp.	420 Bedford St Ste 250 Lexington, MA 02420	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Lyndall	Nipps	WCI.Minnesota.govaffairs @windstream.com	McLeodUSA Telecommunications Services, LLC	655 W. Broadway Suite 850 San Diego, CA 92101	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Steve	Nisbet	snisbet@whe.org	WH Link	P.O. Box 330 6800 Electric Drive Rockford, MN 553730330	Electronic Service	No	OFF_SL_16-496_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jerry	Nussbaum	preferred@aol.com	Preferred Long Distance, Inc.	Suite 350 16830 Ventura Boulevard Encino, CA 91436	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Matt	O'Flaherty	oflaherty.matt@gmail.com	SelecTel, Inc.	1825 N Bell St Freemont, NE 68025	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Dan	Olsen	dano@windom-mn.com	City of Windom	444 9th St Windom, MN 56101-0038	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Mike	Orcutt	mgorcutt@nttservices.com	Nebraska Technology & Telecommunications, In.	2308 S. 156 Circle Omaha, NE 68130	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Doug	Osborne	dosborne@localaccessllc.com	Local Access LLC	11442 Lake Butler Blvd Windermere, FL 34786	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Sheila	Paananen	sp1484@att.com	AT&T National Access Management	26019 NE 34th St Redmond, WA 98053	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Jessica	Palmer Denig	jessica.palmer-Denig@state.mn.us	Office of Administrative Hearings	600 Robert St N PO Box 64620 St. Paul, MN 55164	Electronic Service	Yes	OFF_SL_16-496_Official CC Service List
Becky	Parker	bparker@nextera.net	Nextera Communications, LLC	7115 Forthun Rd Suite 100 Baxter, MN 56425	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Mark	Pavol	regulatory@ymaxcorp.com	YMAX Communications Corp.	PO BOX 6785 West Palm Beach, FL 33404-6785	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Dan	Pecarina	dpecarina@exchange.hbcicom	Hiawatha Broadband Communications, Inc	58 Johnson St Winona, MN 55987	Electronic Service	No	OFF_SL_16-496_Official CC Service List

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Rochelle	Pervisky	RPervisky@exchange.hbci.com	Hiawatha Broadband	58 Johnson Street Winona, MN 55987	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Jack D.	Phillips	jack.phillips@ftr.com	Frontier Communications Of MN, Inc.	14450 Burnhaven Drive Burnsville, MN 55306	Electronic Service	No	OFF_SL_16-496_Official CC Service List
William	Phillips	wphillips@aarp.org	AARP	30 E. 7th St Suite 1200 St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Patrick	Phipps	regulatory@peerlessnetwork.com	Peerless Network of Minnesota, LLC	222 S. Riverside Plaza, Suite 2730 Chicago, IL 60606	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Lauren	Predmore	lpredmore@mediacomcc.com	MCC Telephony of Minnesota, LLC dba Mediacom	One Mediacom Way Mediacom Park, NY 10918	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Lisa	Purcell	lpurcell@lightedge.com	LH Telecom, Inc.	215 10th St Ste 1000 Des Moines, IA 50309	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Brian	Rankin	brian_rankin@comcast.com	Comcast Cable Communications	1701 John F Kennedy Blvd FL 55 Philadelphia, PA 19103	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Haran	Rashes	hrashes@clearrate.com	Clear Rate Communications, Inc.	Clear Rate Communications, Inc. 555 S. Old Woodward, Suite 600 Birmingham, MI 48009	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Jessica	Renneker	jrenneker@nos.com	NOS Communications, Inc.	250 Pilot Rd Ste 300 Las Vegas, NV 89119-3514	Electronic Service	No	OFF_SL_16-496_Official CC Service List

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Jeff	Rhoden	jrhoden@mind.net	Prime Time Ventures, LLC	Suite 202 210 West 8th Street Medford, OR 97501	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Carrie	Rice	carrie.rice@consolidated.com	Consolidated Communications Enterprise Services, Inc.	221 E Hickory St Mankato, MN 56001-3610	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Robert S	Rife	grodham@diversifiedconsulting.net	Broadband Dynamics, LLC	8757 E Via De Commercio FL 1 Scottsdale, AZ 85258-3359	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Emily	Roberts	emily.roberts@windstream.com	PAETEC Business Services	c/o Windstream 1450 N Center Point Rd Hiawatha, IA 52233	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Natalia	Rodrigues	nrodrigues@wcs.com	Wholesale Carrier Services, Inc.	5471 N. University Drive Coral Springs, FL 33067	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Michael	Ruziska	regulatory@entelegent.com	EnTelegent Solutions, Inc.	3800 Arco Corporate Drive Suite 310 Charlotte, NC 28273	Electronic Service	No	OFF_SL_16-496_Official CC Service List
David	Schornack	david.schornack@arvig.com	Tekstar Communications, Inc.	150 2nd St SW Perham, MN 56573	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Dave	Schultz	dschultz@paulbunyan.net	Paul Bunyan Telephone	1831 Anne Street NW Bemidji, MN 56601	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	Ste 122 9100 W Bloomington Frwy Bloomington, MN 55431	Electronic Service	Yes	OFF_SL_16-496_Official CC Service List
Michael	Shultz	michael.shultz@consolidated.com	Consolidated Communications	350 S Loop 336 W Conroe, TX 77304-3308	Electronic Service	No	OFF_SL_16-496_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Cathy	Shuman	cathy.shuman@ci.monticello.mn.us	FiberNet Monticello	505 Walnut St Ste 1 Monticello, MN 55362	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Richard	Sjoberg	rsjoberg@mncable.net	Sjoberg'S, Inc.	315 North Main Street Thief River Falls, MN 56701	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Cathie	Skuzacek	skuzace@stolaf.edu	St. Olaf College	1520 St Olaf Ave Northfield, MN 55057	Electronic Service	No	OFF_SL_16-496_Official CC Service List
David	Skogen	dskogen@gcioa.com	Global Connection Inc. of America	5555 Oakbrook Pkwy Ste 620 Norcross, GA 30093	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Jeff	Slater	jeff.slater@rclec.com	RCLEC, Inc.	20 Davis Dr Belmont, CA 94002	Electronic Service	No	OFF_SL_16-496_Official CC Service List
David J.	Smat	regulatory@ingts.com	iNetworks Group, Inc.	Suite 2510 125 S. Wacker Drive Chicago, IL 60606	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Anna	Sokolin Maimon	amaimon@mediacomcc.com	MCC Telephony of Minnesota, LLC dba Mediacom	One Mediacom Way Mediacom Park, NY 10918	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Chris	Staton	cstaton@pipertel.com	Pipertel Communications, LLC	9580 W. 14th Avenue Suite 100 Lakewood, CO 80215	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Keith	Stubbe	tunesrus@iw.net	Southwest Minnesota Broadband Services	PO BOX 1006 Lakefield, MN 56150	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Scott	Terry	scott.a.terry@windstream.com	Windstream Lakedale, Inc.	4001 Rodney Parham Rd B1-F02-1221A Little Rock, AR 72212	Electronic Service	No	OFF_SL_16-496_Official CC Service List

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Mark	Thoma	markthoma@wctatel.com	Winnebago Coop. Telecom Assoc.	704 E Main St Lake Mills, IA 50450	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Shirley	Thomas	shirley.thomas@orange.com	France Telecom Corporate Solutions L.L.C.	13775 McLearn Road Oak Hill, VA 20171	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Elena	Thomasson	elena.thomasson@birch.com	Cbeyond Communications, LLC dba Birch	3060 Peachtree Rd Suite 1065 Atlanta, GA 30305	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Claudia	Tiger	ctiger@bcntele.com	BCN Telecom, Inc.	1200 Mt. Kemble Ave. 3rd Fl. Harding Township, NJ 07960	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Jason	Topp	jason.topp@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Brad	VanLeur	bvanleur@orbitcominc.net	OrbitCom, Inc.	1701 North Louise Avenue Sioux Falls, SD 57107	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Nancy A.	Vogel	nancy_vogel@mimi.net	Midcontinent Communications	3901 N Louise Ave Sioux Falls, SD 57107	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Evelynn	Vu	evelynn.vu@ringcentral.com	RCLEC, Inc.	20 Davis Dr Belmont, CA 94002	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Jim	Walter	jwalter@702communications.com	VAL-ED Joint Venture, LLP	Dba 702 Communications 702 Main Avenue Moorhead, MN 56560	Electronic Service	No	OFF_SL_16-496_Official CC Service List

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Jared	Welch	jared.welch@accesspointinc.com	Access Point, Inc.	1100 Crescent Green Ste 109 Cary, NC 27518	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Karly	Werner	karly_werner@cable.comcast.com	Comcast Phone of Minnesota, Inc.	10 River Park Plaza St. Paul, MN 55107	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Doyca	Wickham	doyca.wickham@voldelta.com	LSSI Data Corp.	1600 Stewart Ave. Suite 305 Westbury, NY 11590	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Curtiss	Wikstrom	curtw@wiktel.com	Wikstrom Telephone Company	PO Box 217 212 South Main St Karlstad, MN 56732-0217	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Karrie	Willis	BADEMAIL-kwillis@popp.com	POPP.com, Inc.	620 Mendelssohn Ave N Golden Valley, MN 55427	Paper Service	No	OFF_SL_16-496_Official CC Service List
Kristi	Woldt	N/A	Airadigm Communications, Inc.	Suite 50B 100 West College Avenue Appleton, WI 54911	Paper Service	No	OFF_SL_16-496_Official CC Service List
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_16-496_Official CC Service List
Brian	Worthen	bworthen@mammothnetworks.com	InTTec, Inc.	1001 South Douglas Highway Box 2799 Gillette, WY 82717	Electronic Service	No	OFF_SL_16-496_Official CC Service List
Anita	Yokiel	regulatory@hickorytech.com	Consolidated Communications	221 E Hickory Street PO Box 3248 Mankato, Minnesota 56001	Electronic Service	No	OFF_SL_16-496_Official CC Service List

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Christopher P	Yost	christopher.yost@zayo.com	Communications Infrastructure Investments, LLC	C/O Zayo Group 1805 29th St Boulder, CO 80301	Electronic Service	No	OFF_SL_16-496_Official CC Service List