

July 30, 2015

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

RE: **In the Matter of Qwest Wholesale Service Quality Standards**
Docket No. P421/AM-00-849

Dear Mr. Wolf:

Attached are the Reply Comments of the Minnesota Department of Commerce (Department) in the above referenced matter. The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ KATHERINE DOHERTY
Rates Analyst

KD/ja
Attachment

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

**REPLY COMMENTS OF THE
MINNESOTA DEPARTMENT OF COMMERCE**

DOCKET No. P421/AM-00-849

I. BACKGROUND

On June 1, 2015, Qwest Corporation dba Qwest QC (Qwest) filed a letter requesting that the Minnesota Public Utilities Commission (Commission) issue an order discontinuing the Wholesale Service Quality standards adopted by the Commission in the instant docket on July 3, 2003.

On June 1, 2015, the Commission issued a Notice Soliciting Comments regarding Qwest's request. The Notice requested initial comments by July 10, 2015, and Reply Comments by July 30, 2015.

On July 10, 2015, the Department of Commerce (Department) filed comments in response to the Commission's Notice. Comments were also filed on July 10 by a coalition of competitive local exchange carriers (CLECs), including Integra Telecom of Minnesota, Inc., Eschelon Telecom of Minnesota, Inc., Level 3 Communications, LLC, tw telecom of Minnesota, llc., Broadwing Communications, LLC, Global Crossing Local Services, Inc., TDS Metrocom, LLC., and Velocity Telephone Inc. (collectively, the Joint CLECs).

II. DEPARTMENT REPLY

As the Department noted in its July 10 comments, the Commission last considered the issue of Qwest's Minnesota Wholesale Service Quality (WSQ) Plan on September 11, 2006. At that time, all commenting CLECs, despite having opted into the Minnesota Performance Plan (MPAP), opposed Qwest's request to discontinue the WSQ standards.

Almost nine years have passed, and that is no longer the case. The Joint CLECs indicate, in their comments, that they rely exclusively upon the MPAP, not the WSQ to monitor and incent wholesale service quality. They state that while "the MPAP is an essential tool relied

upon by the Joint CLECs to monitor and incent wholesale service quality,”¹ they “do not separately review or use the information in the WSQ Plan and the associated reports.”²

No other party filed comments.

To the extent that CLECs have found that the MPAP and its automatic payment provisions are adequate to maintain wholesale service quality at a level that is acceptable to Qwest’s wholesale customers, and do not find the WSQ standards and reporting useful, the Department questions the utility of the WSQ standards and reporting to the Commission as well.

Qwest has filed detailed Wholesale Service Quality reports (in addition to the reports required by the MPAP), every month since the Commission issued its September 11, 2006 Order. The Department notes that not once during that time has any party, including the Department and the Commission on its own motion, raised a concern or filed a complaint based upon the WSQ reports.³

As the Joint CLECs point out, regardless of whether the Commission determines that the WSQ standards and reporting should or should not be eliminated, the MPAP reports will continue to be filed, and the Commission has authority to resolve any disputes that arise under the MPAP. Further, any changes to the MPAP must be approved by the Commission.

To the extent that Qwest finds the WSQ reporting administratively burdensome, CLECs do not use or review the reports, and the reports themselves (in addition to the reports required under the MPAP), do not provide significant value to the Commission as it executes its regulatory duties, the Department recommends that the WSQ standards and reporting be eliminated as Qwest requests.

III. COMMISSION OPTIONS

- A. Find that the WSQ standards and reporting requirements provide significant value to the Commission and/or to other parties, and retain the standards and reporting requirements.
- B. Find that the WSQ standards and reporting do not provide significant value to the Commission or to other parties and eliminate the standards and reporting requirements.

¹ Comments of the Joint CLECs, page 2.

² Id.

³ The Department notes that the WSQ Plan contains no specific enforcement mechanism should the Commission find that Qwest has failed to meet a standard.

C. Other action of the Commission's choosing.

IV. DEPARTMENT RECOMMENDATION

The Department recommends Alternative B. If the Commission finds that the value of the reports does not outweigh Qwest's administrative burden, the Department recommends that the Commission eliminate the WSQ standards and the reporting requirements.

/ja

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce
Reply Comments**

Docket No. P421/AM-00-849

Dated this 30th day of July 2015

/s/Sharon Ferguson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Mark	Ayotte	mayotte@briggs.com	Briggs And Morgan, P.A.	2200 IDS Center 80 South Eighth Street Minneapolis, MN 55402	Electronic Service	No	OFF_SL_0-849_1
Russ	Bennett		Bennet Office Technologies	P.O. Box 978 Willmar, MN 56201	Paper Service	No	OFF_SL_0-849_1
Michael	Bradley	mike.bradley@lawmoss.com	Moss & Barnett	150 S. 5th Street, #1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_0-849_1
Mary	Buley	mary.buley@onvoy.com	Onvoy, LLC	10300 6th Ave N Plymouth, MN 55441	Electronic Service	No	OFF_SL_0-849_1
Robert	Cattanach	cattanach.robert@dorsey.com	Dorsey & Whitney LLP	Suite 1500 50 South Sixth Street Minneapolis, MN 554021498	Electronic Service	No	OFF_SL_0-849_1
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 55101-2198	Electronic Service	Yes	OFF_SL_0-849_1
Douglas	Denney	dkdenney@integratelecom.com	Integra Telecom	18110 SE 34th St Bldg One, Ste 100 Vancouver, WA 98683	Electronic Service	No	OFF_SL_0-849_1
John E.	Drawz	jdrawz@fredlaw.com	Fredrikson & Byron, P.A.	Suite 4000 200 South Sixth Street Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_0-849_1
Larry	Espel	lespel@greeneespel.com	Greene Espel, P.L.L.P.	222 S 9th St Ste 2200 Minneapolis, MN 55402-3362	Electronic Service	No	OFF_SL_0-849_1
William	Flynn, Esq.		LINDQUIST & VENNUM P.L.L.P.	4200 IDS Center 80 South 8th Street Minneapolis, MN 55402	Paper Service	No	OFF_SL_0-849_1
JoAnn	Hanson	joann.hanson@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Paper Service	No	OFF_SL_0-849_1

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_0-849_1
Pamela	Hollick	Pamela.Hollick@Level3.com	Level 3 Communications, LLC	4625 W. 86th Street Suite 500 Indianapolis, IN 46268	Electronic Service	No	OFF_SL_0-849_1
Pamela	Hollick	pamela.hollick@twtelecom.com	TW Telecom of Minnesota LLC	4625 W 86th St Ste 500 Indianapolis, IN 46268-7804	Electronic Service	No	OFF_SL_0-849_1
Kevin	Hopkins	khopkins@telephoneassociates.com	Telephone Associates, Inc.	329 Grand Ave Superior, WI 54880	Electronic Service	No	OFF_SL_0-849_1
Andrew	Isar	aisar@millerisar.com	Miller Isar, Inc.	4423 Point Fosdick Drive NW Gig Harbor, WA 98335	Electronic Service	No	OFF_SL_0-849_1
John	Lindell	agorud.ecf@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_0-849_1
Josh	Mason	jmason@lakesnet.net	Detroit Lakes Public Utilities	PO Box 647 1025 Roosevelt Avenue Detroit Lakes, MN 565020647	Electronic Service	No	OFF_SL_0-849_1
Gregory R.	Merz	gregory.merz@gpmlaw.com	Gray, Plant, Mooty	80 S 8th St Ste 500 Minneapolis, MN 55402-5383	Electronic Service	No	OFF_SL_0-849_1
Katherine	Mudge	katherine.mudge@globalcapacity.com	MegaPath Corporation	1835-B Kramer Ln Ste 100 Austin, TX 78758	Electronic Service	No	OFF_SL_0-849_1

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Thomas	Mullooly		Foley & Lardner	777 East Wisconsin Avenue Milwaukee, WI 532025367	Paper Service	No	OFF_SL_0-849_1
Mark A.	Myhra	N/A	Greene Espel, P.L.L.P.	222 S 9th St Ste 2200 Minneapolis, MN 55402-3362	Paper Service	No	OFF_SL_0-849_1
Carrie	Rice	Carrie.Rice@enventis.com	Enventis Telecom, Inc.	221 E Hickory St Mankato, MN 56001-3610	Electronic Service	No	OFF_SL_0-849_1
David	Sasseville	dsasseville@lindquist.com	Lindquist & Vennum	4200 IDS Center 80 South 8th Street Minneapolis, MN 554022274	Electronic Service	No	OFF_SL_0-849_1
Eric	Swanson	eswanson@winthrop.com	Winthrop Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_0-849_1
Philip	Szatalowicz			PO Box 233 Stanley, WI 547680233	Paper Service	No	OFF_SL_0-849_1
Jason	Topp	jason.topp@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_0-849_1
Joan L.	Volz		Blumenfeld & Cohen	13525 265th Street Welch, MN 55089	Paper Service	No	OFF_SL_0-849_1
Daniel M.	Waggoner		Davis Wright Tremaine	Suite 2200 1201 Third Avenue Seattle, WA 981013045	Paper Service	No	OFF_SL_0-849_1
Karl	Wardin	ww3587@att.com	AT&T Corp	225 W Randolph St, 27C350 Chicago, IL 60606	Electronic Service	No	OFF_SL_0-849_1

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Chad	Warner		MCI	6415 Business Center Drive Highlands Ranch, CO 80130	Paper Service	No	OFF_SL_0-849_1
Jerry	Watts	jerry.watts@elink.com	EarthLink	3000 Columbia House Blvd Ste 106 Vancouver, WA 98661	Electronic Service	No	OFF_SL_0-849_1
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_0-849_1