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August 1, 2014

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

RE: **Comments of the Minnesota Department of Commerce**  
Docket No. P421/AM-14-550

Dear Dr. Haar:

Attached are the comments and recommendation of the Minnesota Department of Commerce (Department) in the following matter:

In the Matter of a Petition by Qwest Corporation dba CenturyLink QC for Approval of Additions to the Non-Impaired Wire Center List

The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ BONNIE JOHNSON

BJ/lt  
Attachment

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE  
MINNESOTA DEPARTMENT OF COMMERCE

DOCKET NO. P421/AM-15-550

**I. BACKGROUND**

Under Section 251 of the Telecom Act, Competitive Local Exchange Carriers (CLECs) have access to unbundled network elements (UNEs) from CenturyLink QC when they would be impaired without such access. A wire center is classified as “non-impaired” under the Federal Communications Commission’s (FCC’s) Triennial Review Order on Remand (TRRO)<sup>1</sup> when the wire center meets certain national benchmarks for business lines, fiber-fed collocations, or both. If a wire center is classified as “non-impaired” for a UNE, CenturyLink QC is no longer required to offer that UNE at TELRIC-based prices in that wire center.<sup>2</sup>

On June 30, 2014 CenturyLink QC submitted the above captioned filing, in which CenturyLink QC proposes to modify the classification of one wire center (Blaine) in Minnesota from Tier 3 to Tier 2. If approved, this reclassification would affect the transport UNEs that CenturyLink QC is required to offer at TELRIC rates. CenturyLink QC filed Trade Secret data supporting the reclassification proposal with its petition. August 1, 2014 is the deadline for presenting objections to the Minnesota Public Utility Commission (Commission).

**II. DEPARTMENT OF COMMERCE ANALYSIS**

CenturyLink QC’s requested reclassification involves business line counts rather than counts of fiber-fed collocations. The previous two petitions for approval of additions to the non-impaired wire center list were based on fiber-fed collocations<sup>3</sup>. The use of business line counts to support reclassification of a wire center involves data for many more CLECs than a

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<sup>1</sup> FCC, *In the Matter of Unbundled Access to Network Elements (WC Docket No. 04-313) and Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers (CC Docket No. 01-338)*, Triennial Review Remand Order (TRRO), February 4, 2005.

<sup>2</sup> The requirements under the TRRO are described in the Rebuttal Testimony of Edward Fagerlund, *In the Matter of a Commission Investigation Identifying Wire Centers in which Qwest Corporation Must Offer High-Capacity Loop or Transport UNEs at Cost-Based Rates*, Docket No. P999/CI-06-685, pages 18-19 and Attachment 1 in Exhibit EF.

<sup>3</sup> Docket No. P421/AM-09-564 and Docket No. P421/AM-10-640.

reclassification proceeding based on fiber-fed collocations as support.<sup>4</sup> As was done in the previous CenturyLink QC reclassification petitions, the Department attempted to contact each of the CLECs<sup>5</sup> that CenturyLink QC used to support its reclassification proposal. The Department asked each CLEC to review its own data for accuracy. The CLEC could obtain the data for its company by executing a copy of the 2009 Protective Order.<sup>6</sup> Signing the protective agreement enabled the CLEC to see the breakdown of line count information for all CLECs and the total line count for the wire center, but the identities of the other CLECs were masked. The Department did provide a CLEC with its own data upon request. Several CLECs requested its company's data using one of the two methods.

The Department's analysis in this matter is dependent on CLECs review of its own data, and confirmation that CenturyLink QC's proposal is accurate with respect to the CLECs business line count. The Department received responses from several CLECs but did not receive responses from all CLECs.

### **III. DEPARTMENT OF COMMERCE RECOMMENDATIONS WITH RESPECT TO THE 2014 RECLASSIFICATION PROPOSAL**

Even though the Department was not able to verify each CLEC's business line count, the Department believes it did receive enough information to agree that the Blaine central office can have a Tier 2 designation. There were some difference in total business lines reported by CenturyLink QC and the CLEC validating the data, but such differences should be expected due to ongoing additions and disconnections of services. If a CLEC installed or disconnected that service around the December 2013 timeframe, CenturyLink QC and the CLEC may have a different accounting of that service. In addition, CenturyLink QC or a CLEC may have errors in the records used to count business lines.

Many CLECs communicated to the Department that they agreed with CenturyLink QC's data. Some CLECs indicated there was a discrepancy, however; no CLEC, that communicated its results to the Department, expressed concern with the discrepancy. The Department concluded that, even if all potential discrepancies reflected the lower number of access lines, CenturyLink would still be meet the business line count required for reclassification of the Blaine wire center to a Tier 2 wire center. Absent a CLEC filing comments about a significant discrepancy in its data that the Department is unaware of, the Department recommends approval of CenturyLink QC's petition.

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<sup>4</sup> For example, only three fiber-fed collocations are required, and need to be verified, to achieve a Tier 2 designation. When counting business lines, it is all CLEC's business lines in that wire center.

<sup>5</sup> The Department was unable to obtain current contact information for 2 of the CLECs. The two CLECs had a total of only 6 QPP/QLSP business lines. Therefore the Department believes it does not impact the verification process or its recommendation for approval.

<sup>6</sup> The Commission issued a standing protective order on June 2, 2009 in Docket No. P-421/AM-09-564.

**IV. COMMISSION ALTERNATIVES:**

1. Approve CenturyLink's petition requesting to reclassify the Blaine wire center from a Tier 3 to a Tier 2 wire center.
2. Deny CenturyLink's petition requesting to reclassify the Blaine wire center from a Tier 3 to a Tier 2 wire center.
3. Take other action.

**V. RECOMMENDATION**

The Department recommends alternative 1:

Approve CenturyLink's petition requesting to reclassify the Blaine wire center from a Tier 3 to a Tier 2 wire center.

/lt

## **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  
Comments**

**Docket No. P421/AM-14-550**

**Dated this 1<sup>st</sup> day of August 2014**

**/s/Sharon Ferguson**

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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