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February 4, 2014

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

RE: **Recommended Procedures for 2014 Access Rate Changes**  
Docket No. P999/PR-14-15

Dear Dr. Haar:

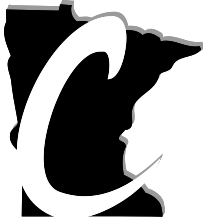
Attached is the recommendation for procedures of the Minnesota Department of Commerce (Department) in the Matter of Intercarrier Compensation Reform Required by FCC Order and Rules.

Sincerely,

/s/ BRUCE L. LINSCHIED  
Financial Analyst

/s/ KATHERINE DOHERTY  
Rates Analyst

BLL/KD/lt  
Attachment



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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE  
MINNESOTA DEPARTMENT OF COMMERCE

DOCKET No. P999/PR-14-15

**I. BACKGROUND**

On November 18, 2011, the Federal Communications Commission (FCC) released its Universal Service Fund-Intercarrier Compensation Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, and WT Docket No. 10-208 (USF-ICC Order).

On May 10, 2012 in Docket No. P999/M-12-356, the Minnesota Public Utilities Commission (Commission) held a hearing on this matter and issued its order on May 24, 2012, requiring carriers that charge access rates in Minnesota to file revised intrastate access rates and supporting information as required by the FCC's USF-ICC Order. Carriers charging intrastate access rates equal to their corresponding interstate access rates were excused from filing supporting materials, and carriers that participate in the National Exchange Carrier Association (NECA) tariff were to provide the supporting data required by the FCC. Carriers were to file their rates to be effective July 3, 2012, subject to a true-up if a complaint, filed by October 31, 2012, results in a Commission finding that a different rate was warranted.

On October 31, 2012 the Department filed comments describing the results of the carriers' responses to the Commission's May 24, 2012 Order in this docket. On January 25, 2013, the Department filed supplemental comments reporting that Companies listed as having either incomplete or no filings on October 31, 2012 were contacted, and that the requirements placed upon carriers to file access rate reductions were fulfilled.

On February 27, in Docket No. P999/PR-13-137, the Department filed its recommendation for procedures in the Matter of Intercarrier Compensation Reform Required by FCC Order. On April 9, 2013, Qwest Corporation dba CenturyLink QC (QC) filed comments in Docket No.

P999/PR-13-137, recommending clarification on two specific points made by the Department.<sup>1</sup> On April 18, 2013, the Department filed reply comments incorporating the two recommendations of QC. On May 17, 2013, the Commission issued its order approving access filing charge procedures for 2013 and requiring carriers to file revised intrastate access rates by July 2, 2013. On August 23, 2013, the Department reported compliance with the requirement to file revised intrastate access rates by July 2, 2013.

## II. DEPARTMENT COMMENTS

The Department now submits its recommendations for the Commission to establish procedures for 2014 access filings. The Department recommends that:

1. Carriers should e-file revised intrastate access rates for 2014 in the new docket number established for 2014, Docket No. P999/PR-14-15 using the methodology set forth in FCC Rules 47 CFR §§51.907(d), 909(d), 911(c), and the applicable provisions of 47 CFR §61.26 by July 1, 2014, as described below. Competitive Local Exchange Carriers (CLECs) who benchmark their rates to the rates of the competing ILEC pursuant to 47 CFR §61.26 (c), must file revised tariffs within 15 days of the effective date of the lowered ILEC rate.

### Price Cap Carriers:

Beginning July 1, 2014, notwithstanding any other provision of the Commission's rules:

- (1) A Price Cap Carrier shall establish separate originating and terminating rate elements for all per-minute components within interstate and intrastate End Office Access Service. For fixed charges, the Price Cap Carrier shall divide the rate between originating and terminating rate elements based on relative originating and terminating end office switching minutes. If sufficient originating and terminating end office switching minute data is not available, the carrier shall divide such charges equally between originating and terminating elements.
- (2) Each Price Cap Carrier shall establish rates for interstate or intrastate terminating End Office Access Service using the following methodology:
  - (i) Each Price Cap Carrier shall calculate the 2011 Baseline Composite Terminating End Office Access Rate. The 2011 Baseline Composite Terminating End Office Access Rate means the Composite Terminating End Office Access Rate calculated using Fiscal Year 2011 demand and the End Office Access Service rates at the levels in effect on December 29, 2011.

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<sup>1</sup> The two points recommended by QC were: 1) a July 2, versus a July 1, 2013 effective date for revised intrastate access rates; and 2) the filing of the link to Federal filings in which all interstate access rates are listed in lieu of providing a paper copy of all revised access rate filings.

- (ii) Each Price Cap Carrier shall calculate its 2014 Target Composite Terminating End Office Access Rate. The 2014 Target Composite Terminating End Office Access Rate means \$0.0007 per minute plus two-thirds of any difference between the 2011 Baseline Composite Terminating End Office Access Rate and \$0.0007 per minute.
- (iii) Beginning July 1, 2014, no Price Cap Carrier's interstate or intrastate Composite Terminating End Office Access Rate shall exceed its 2014 Target Composite Terminating End Office Access Rate. In the alternative, any Price Cap Carrier may elect to implement a single per minute rate element for terminating End Office Access Service no greater than the 2014 Target Composite Terminating End Office Access Rate.
- (iv) Nothing in this section obligates or allows a Price Cap Carrier that has intrastate rates lower than its functionally equivalent interstate rates to make any intrastate tariff filing or intrastate tariff revisions increasing such rates.

**Rate of Return Carriers:**

Beginning July 1, 2014, notwithstanding any other provision of the Commission's rules:

- (1) Notwithstanding the rate structure rules set forth in §69.106 of this chapter or anything else in the Commission's rules, a Rate-of-Return Carrier shall establish separate originating and terminating interstate and intrastate rate elements for all components within interstate End Office Access Service. For fixed charges, the Rate-of-Return Carrier shall divide the amount based on relative originating and terminating end office switching minutes. If sufficient originating and terminating end office switching minute data is not available, the carrier shall divide such charges equally between originating and terminating elements.
- (2) Nothing in this Step shall affect Tandem-Switched Transport Access Service or Dedicated Transport Access Service.
- (3) Each Rate-of-Return Carrier shall establish rates for interstate and intrastate terminating End Office Access Service using the following methodology:
  - (i) Each Rate-of-Return Carrier shall calculate the 2011 Baseline Composite Terminating End Office Access Rate. The 2011 Baseline Composite Terminating End Office Access Rate means the Composite Terminating End Office Access Rate calculated using Fiscal Year 2011 interstate demand and the interstate End Office Access Service rates at the levels in effect on December 29, 2011.
  - (ii) Each Rate-of-Return Carrier shall calculate its 2014 interstate Target Composite Terminating End Office Access Rate. The 2014 interstate Target Composite Terminating End Office Access Rate means \$0.005 per minute plus two-thirds of any difference between the 2011 Baseline Composite Terminating End Office Access Rate and \$0.005 per minute.

- (iii) Beginning July 1, 2014, no Rate-of-Return Carrier's interstate or intrastate Composite Terminating End Office Access Rate shall exceed its 2014 interstate Target Composite Terminating End Office Access Rate. In the alternative, any Rate-of-Return Carrier may elect to implement a single per minute rate element for terminating End Office Access Service no greater than the 2014 interstate Target Composite Terminating End Office Access Rate.
- (4) Nothing in this section obligates or allows a Rate-of-Return Carrier that has intrastate rates lower than its functionally equivalent interstate rates to make any intrastate tariff filing or intrastate tariff revisions raising such rates.

### **Competitive Local Exchange Carriers:**

Beginning July 1, 2013, notwithstanding any other provision of the Commission's rules, all Competitive Local Exchange Carrier Access Reciprocal Compensation rates for switched exchange access services subject to this subpart shall be no higher than the Access Reciprocal Compensation rates charged by the competing incumbent local exchange carrier, in accordance with the same procedures specified in §61.26 of this chapter.

FCC Rule 47 C.F.R. §61.26 subparts (b) and (c) provide that the rate for a CLEC's switched exchange access services will be no higher than the lower of 1) the rate charged for similar services by the competing ILEC, or 2) the lowest rate that the CLEC has tariffed for its switched access services within the six months preceding June 20, 2001. If an ILEC to which a CLEC benchmarks its rates lowers the rate to which a CLEC benchmarks, the CLEC must revise its rates to the lower level within 15 days of the effective date of the lowered ILEC rate.

Subpart(e)(Rural exemption) provides that a rural CLEC competing with a non-rural ILEC shall not file a tariff for its interstate exchange access services that prices those services above the rate prescribed in the NECA access tariff, assuming the highest rate band for local switching.

- 2. Each carrier's rate should be subject to a true-up if a complaint filed by October 31, 2014 results in a Commission finding that a different rate was warranted.
- 3. Carriers whose intrastate access rates for the components subject to reduction in 2014 are already at zero (0) need only file an informational letter so stating.

### **III. CONCLUSION**

The Department makes the foregoing recommendation for carriers filing their access rates as of July 1, 2014 and for CLECs who benchmark their rates to the competing ILEC, and who must file revised tariffs within 15 days of the effective date of the lowered ILEC rate. The Commission may wish to solicit comments from the industry on these procedures. If a true-up is to be required, the Commission will need to schedule a hearing and issue an order establishing procedures for setting access rates in 2014.

/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  
Recommended Procedures for 2014 Access Rate Changes**

**Docket No. P999/PR-14-15**

Dated this 4<sup>th</sup> day of **February 2014**

**/s/Sharon Ferguson**

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Jessica	Matushek	jessica.matushek@frontiercorp.com	Frontier Communications Corporation	100 CTE Drive Dallas, PA 18612	Paper Service	No	SPL_SL_14-15_14-15
Anthony V.	Mayer	tonym@wcta.net	West Central Telephone Association	P.O. Box 304 308 Frontage Road Sebeka, MN 56477	Electronic Service	No	SPL_SL_14-15_14-15

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Robert W.	McCausland	robert.mccausland@h3net.com	Hypercube Telecom, LLC	3200 W Pleasant Run Rd Ste 300  Lancaster, TX 75146	Electronic Service	No	SPL_SL_14-15_14-15
Brian	McDermott	N/A	Access Media 3, Inc.	900 Commerce Drive, Suite 200  Oak Brook, IL 60523-8828	Paper Service	No	SPL_SL_14-15_14-15
Stephen	Meradith	Steve.Meradith@windstream.com	Windstream NTI, Inc.	c/o Windstream Communications 1440 M Street Lincoln, NE 68508-2591	Electronic Service	No	SPL_SL_14-15_14-15
Judith	Messenger	judy.messeng@paetec.com	McLeodUSA Telecommunications Services, Inc. DBA PAETEC Business Services	One PAETEC Plaza600 Willowbrook Office Park  Fairport, NY 14450	Electronic Service	No	SPL_SL_14-15_14-15
Richard	Monto	rmonto@inteliquent.com	Neutral Tandem- Minnesota, LLC	550 West Adams Street, Suite 900  Chicago, IL 60661	Electronic Service	No	SPL_SL_14-15_14-15
Michael R.	Moore	michael.moore@chartercom.com	Charter Communications, Inc.	12405 Powerscourt Drive  St. Louis, MO 63131	Electronic Service	No	SPL_SL_14-15_14-15
Monty	Morrow	montymorrow@nu-telecom.net	NU Telecom	235 Franklin St PO Box 279 Hutchinson, MN 55350	Electronic Service	No	SPL_SL_14-15_14-15
Steve	Nasby	snasby@windom-mn.com	City of Windom	444 9th St PO Box 38 Windom, MN 56101-0038	Electronic Service	No	SPL_SL_14-15_14-15
Glen	Nelson	regulatory@nhcgrp.com	New Horizons Communications Corp.	420 Bedford St Ste 250  Lexington, MA 02420	Paper Service	No	SPL_SL_14-15_14-15

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Daniel C.	Nelson	dcndtc@bevcomm.net	Dunnell Telephone Company, Inc.	PO Box 42 110 N Seeley Ave Dunnell, MN 56127	Electronic Service	No	SPL_SL_14-15_14-15
Terry	Nelson	terry.nelson@woodstocktel.net	Woodstock Telephone Company	337 Aetna St  Ruthton, MN 56170	Electronic Service	No	SPL_SL_14-15_14-15
Robert J.	Novak		Lonsdale Telephone Company, Inc.	PO Box 358  Lonsdale, MN 55046	Paper Service	No	SPL_SL_14-15_14-15
Keith	Nussbaum	keith@preferredlongdistance.com	Preferred Long Distance, Inc.	Suite 350 16830 Ventura Blvd. Encino, CA 91436	Electronic Service	No	SPL_SL_14-15_14-15
Matt	O'Flaherty	oflaherty.matt@gmail.com	SelecTel, Inc.	1825 N Bell St  Freemont, NE 68025	Electronic Service	No	SPL_SL_14-15_14-15
Jeffrey J.	Olson	jeffolson@rrt.net	Red River Rural Telephone Association	506 Broadway PO Box 136 Abercrombie, ND 58001-0136	Electronic Service	No	SPL_SL_14-15_14-15
Robert	Olson	rolson@emily.net	Emily Cooperative Telephone Company	PO Box 100  Emily, MN 564470100	Electronic Service	No	SPL_SL_14-15_14-15
Mike	Orcutt	mgorcutt@nttservices.com	Nebraska Technology & Telecommunications, In.	2308 S. 156 Circle  Omaha, NE 68130	Electronic Service	No	SPL_SL_14-15_14-15
Bill	Otis	billotis@nu-telcom.net	New Ulm Telecom, Inc.	PO Box 697 27 North Minnesota St New Ulm, MN 56073-0697	Electronic Service	No	SPL_SL_14-15_14-15
Craig	Otterness	otter@springgrove.coop	Spring Grove Communications	PO Box 516 166 W Main St Spring Grove, MN 55974	Electronic Service	No	SPL_SL_14-15_14-15

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Kimm	Partridge	kimm.partridge@ucn.net	UCN, Inc.	Suite 500 7730 S. Union Park Avenue Midvale, UT 84047	Electronic Service	No	SPL_SL_14-15_14-15
Jean	Pauk	jean.pauk@tdstelecom.com	TDS Telecom	525 Junction Road  Madison, WI 53717	Electronic Service	No	SPL_SL_14-15_14-15
Mark	Pavol	regulatory@ymaxcorp.com	YMAX Communications Corp.	5700 Georgia Ave  West Palm Beach, FL 33405	Electronic Service	No	SPL_SL_14-15_14-15
Gloria	Pederson	gpederson@bevcomm.com	Cannon Valley Telephone, Inc.	123 West Seventh Street  Blue Earth, MN 56013	Electronic Service	No	SPL_SL_14-15_14-15
Rochelle	Pervisky	RPervisky@exchange.hbci.com	Hiawatha Broadband	58 Johnson Street  Winona, MN 55987	Electronic Service	No	SPL_SL_14-15_14-15
Diane	Peters	diane.peters@level3.com	Level 3 Communications, LLC	225 Kenneth Dr.  Rochester, NY 14623-4277	Electronic Service	No	SPL_SL_14-15_14-15
Linda	Peterson	N/A	C-I Communications, Inc.	1102 Madison St  Brainerd, MN 56401	Paper Service	No	SPL_SL_14-15_14-15
Kris	Rademacher	krisr@farmerstel.net	Farmers Mutual Telephone Co.	301 2nd Street S PO Box 368 Bellingham, MN 562120369	Electronic Service	No	SPL_SL_14-15_14-15
Jessica	Renneker	jrenneker@nos.com	NOS Communications, Inc.	250 Pilot Rd Ste 300  Las Vegas, NV 89119-3514	Electronic Service	No	SPL_SL_14-15_14-15
Charles E.	Richardson, III	rrichardson@momentumtel.com	Momentum Telecom, Inc.	Suite 200 2700 Corporate Drive Birmingham, AL 35242	Paper Service	No	SPL_SL_14-15_14-15

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Robert	Riddell	telenutz@mlecwb.net	Northern Telephone Company	13448 Co. Rd. 25  Wawina, MN 557369721	Electronic Service	No	SPL_SL_14-15_14-15
Jennifer	Rise	jrise@702com.net	VAL-ED Joint Venture LLP	702 Main Avenue  Moorhead, MN 56560	Electronic Service	No	SPL_SL_14-15_14-15
Mark	Roach	mark.roach@ctctelcom.net	Consolidated Telephone Company	1102 Madison Street PO Box 972 Brainerd, MN 56401	Electronic Service	No	SPL_SL_14-15_14-15
Sheldon	Sagedahl	sheldons@wcta.net	West Central Telephone Assoc.	P.O. Box 304 308 Frontage Road Sebeka, MN 56477	Electronic Service	No	SPL_SL_14-15_14-15
Curtis A	Sampson	bademaildspeiser@hcctel.net	O.U. Connection, Inc.	PO Box 697 27 N Minnesota St New Ulm, MN 56073	Paper Service	No	SPL_SL_14-15_14-15
Cheryl	Scapanski	cscapanski@bctelco.net	Benton Cooperative Telephone Company	2220 125th St NW  Rice, MN 56367	Electronic Service	No	SPL_SL_14-15_14-15
Bruce	Schoonover	bruce.schoonover@knology.com	Knology of the Plains, Inc.	1241 OG Skinner Dr  West Point, GA 31833-1789	Electronic Service	No	SPL_SL_14-15_14-15
David	Schornack	N/A	Arrowhead Communications Corporation	150 Second Street SW  Perham, MN 56573	Paper Service	No	SPL_SL_14-15_14-15
Kim	Scovill	bademailkscovill@telecomsys.com	Telecommunication Systems	275 West Street  Annapolis, MD 21401	Paper Service	No	SPL_SL_14-15_14-15
Bonnie	Simon	bsimon@lonsdaletel.com	Lonsdale Telephone Company	PO Box 358 126 South Main Street Lonsdale, MN 55046-0358	Electronic Service	No	SPL_SL_14-15_14-15

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Anna	Sokolin Maimon	N/A	MCC Telephony of Minnesota, LLC dba Mediacom	One Mediacom Way Mediacom Park, NY 10918	Paper Service	No	SPL_SL_14-15_14-15
Kate	Stem	kate.stem@accesspointinc.com	Access Point, Inc.	1100 Crescent Green, Ste. 109  Cary, NC 27518	Electronic Service	No	SPL_SL_14-15_14-15
Wayne	Stowman	wstowman@rtelnet.net	Rothsay Telephone Company	137 1st St NW  Rothsay, MN 56579	Electronic Service	No	SPL_SL_14-15_14-15
Keith	Stubbe	tunesrus@iw.net	Southwest Minnesota Broadband Services	PO BOX 1006  Lakefield, MN 56150	Electronic Service	No	SPL_SL_14-15_14-15
Cynthia	Sweet	csweet@acecomgroup.com	Ace Telephone Association	207 East Cedar P.O. Box 360  Houston, MN 559430360	Electronic Service	No	SPL_SL_14-15_14-15
Guy	Swenson	gswenson@bvillemn.net	Barnesville Municipal Telephone Company	PO Box 550 101 Front St S Barnesville, MN 56514	Electronic Service	No	SPL_SL_14-15_14-15
Loretta	Tastad	loretta.tastad@arvig.com	East Otter Tail Telephone Company	150 2nd Street SW  Perham, MN 56573	Electronic Service	No	SPL_SL_14-15_14-15
Mark	Thoma	markthoma@wctatel.com	Winnebago Coop. Telecom Assoc.	704 E Main St  Lake Mills, IA 50450	Electronic Service	No	SPL_SL_14-15_14-15
Lorren	Tingsedal	lorren@mabeltel.coop	Harmony Telephone Company	PO Box 368 214 N Main St Mabel, MN 55954-0368	Electronic Service	No	SPL_SL_14-15_14-15
Jon	Tollefson		Rock Dell Telephone Co.	18 - 2nd Ave. NW  Kasson, MN 55944	Paper Service	No	SPL_SL_14-15_14-15

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Beth	Tollefson	btollefson@kmtel.com	Kasson & Mantorville	18 2nd Avenue NW  Kasson, MN 55944	Electronic Service	No	SPL_SL_14-15_14-15
Melissa	Tschida	mtschida@sytekcom.com	Upsala Cooperative Telephone	PO Box 277  Upsala, MN 56384	Electronic Service	No	SPL_SL_14-15_14-15
William H.	Tucker		Visions Telemanagement Services, Inc.	14450 Burnhaven Drive  Burnsville, MN 55306	Paper Service	No	SPL_SL_14-15_14-15
Brad	VanLeur	bvanleur@orbitcominc.net	OrbitCom, Inc.	1701 North Louise Avenue  Sioux Falls, SD 57107	Electronic Service	No	SPL_SL_14-15_14-15
Tony	Vande Linde	tony.vandelinde@accessfiber.com	Access Fiber Group, Inc.	201 Summit Parkway  Birmingham, AL 35209	Electronic Service	No	SPL_SL_14-15_14-15
William	VanderSluis	N/A	Heartland Telecommunications Company of Iowa	221 East Hickory Street SW  Mankato, MN 56001	Paper Service	No	SPL_SL_14-15_14-15
Karl	Wardin	ww3587@att.com	AT&T Corp	225 W Randolph St, 27C350  Chicago, IL 60606	Electronic Service	No	SPL_SL_14-15_14-15
William H.	Weber	william.weber@cbeyond.net	Cbeyond Communications	Suite 300 320 Interstate North Parkway Atlanta, GA 30339	Electronic Service	No	SPL_SL_14-15_14-15
Karly	Werner	karly_werner@cable.comcast.com	Comcast Phone of Minnesota, Inc.	10 River Park Plaza  St. Paul, MN 55107	Electronic Service	No	SPL_SL_14-15_14-15

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Kent	Westphal	kwestphal@mypremieronline.com	Northern Iowa Telephone Company	PO Box 200 339 1st Ave E Sioux Center, IA 51250	Electronic Service	No	SPL_SL_14-15_14-15
Mary	Whiting	mwhiting@corp.earthlink.com	EarthLink Business, LLC	2610 Horizon Dr Ste B  Grand Rapids, MI 49546	Electronic Service	No	SPL_SL_14-15_14-15
Curtiss	Wikstrom	curtw@wiktel.com	Wikstrom Telephone Company	PO Box 217 212 South Main St Karlstad, MN 56732-0217	Electronic Service	No	SPL_SL_14-15_14-15
Karrie	Willis	kwillis@popp.com	POPP.com, Inc.	620 Mendelssohn Ave N  Golden Valley, MN 55427	Electronic Service	No	SPL_SL_14-15_14-15
David	Wolf	dewolf@gctel.net	Gardonville Cooperative Telephone Association	800 Central Ave N  Brandon, MN 56315	Electronic Service	No	SPL_SL_14-15_14-15
Anita	Yokiel	N/A	HickoryTech	221 E Hickory ST PO Box 3248 Mankato, MN 56002-3248	Paper Service	No	SPL_SL_14-15_14-15