

Minnesota Public Utilities Commission
Staff Briefing Papers

Meeting Date: June 25, 2015 *Agenda Item # **5**_____

Company: **Midwest Cable Phone of Minnesota, LLC, Comcast Corporation**

Docket Nos. **P6927/NA-14-507**

In the Matter of the Application of Midwest Cable Phone of Minnesota, LLC for a Certificate of Authority to Offer Facilities-Based and Resold Local, Long Distance and Local Niche Services

P6927/PA-14-513

In the Matter of the Petition of Comcast Corporation and Midwest Cable Phone of Minnesota, LLC for Approval to Transfer Regulated Customers and Assets

P6927/M-15-318

In the Matter of Joint Petition of Midwest Cable, Inc., Midwest Cable Phone of Minnesota LLC, and the Minnesota Department of Commerce for Confirmation of Eligibility for TAP Reimbursement

Issues:

Should the Commission Approve Comcast Corporation's and Midwest Cable Phone of Minnesota, LLC's Withdrawal of the Petition, Application, and Settlement Agreement and Relinquishment of Conditional Authority in Dockets 14-507 and 513?

Should the Commission Approve Midwest Cable, Inc., Midwest Cable Phone of Minnesota, LLC, and the Minnesota Department of Commerce's Joint Withdrawal of Petition Regarding TAP Reimbursement and VoIP Service in Docket 15-318?

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Relevant Documents

ORDER ACCEPTING SETTLEMENT, GRANTING CONDITIONAL AUTHORITY, AND APPROVING TRANSFER (14-507 and 14-513) March 17, 2015

Withdrawal Petition (14-507 and 14-513) April 28, 2015

Joint Petition of Midwest Cable Inc., and Midwest Cable Phone of MN LLC, and the Minnesota Department of Commerce for TAP Reimbursement and VoIP Service (15-318) April 1, 2015

Withdrawal Petition (15-318) April 30, 2015

The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

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Statement of the Issues

1. Should the Commission Approve Comcast Corporation's and Midwest Cable Phone of Minnesota, LLC's Withdrawal of the Petition, Application, and Settlement Agreement and Relinquishment of Conditional Authority in Dockets 14-5107 and 513?
2. Should the Commission Approve Midwest Cable, Inc., Midwest Cable Phone of Minnesota, LLC, and the Minnesota Department of Commerce's Joint Withdrawal of Petition Regarding TAP Reimbursement and VoIP Service in Docket 15-318?

Background

On March 17, 2015, the Commission issued its Order accepting the parties' settlement agreement, granting conditional approval for Midwest Cable Phone of Minnesota, LLC (Midwest Cable) for a competitive local exchange carrier (CLEC) certificate of authority, and approving the transfer of certain assets from Comcast Corporation (Comcast) to Midwest Cable. Among other provisions, the settlement agreement contained Midwest Cable's agreement to offer the TAP credit to qualifying customers of voice service, contingent on the Commission's determination that Midwest Cable is eligible to receive TAP reimbursements for its interconnected VoIP services. The settlement also contained a provision that in the event that the Comcast/Time Warner Cable merger is not approved by the Federal Communications Commission and/or the Department of Justice, Midwest Cable will withdraw its petition, application, and Settlement Agreement.

On April 1, a Joint Petition was filed by Midwest Cable, Midwest Cable, Inc. aka Greatland Connections, Inc., and the Department of Commerce seeking express approval from the Commission that Midwest Cable is eligible to receive TAP reimbursement.

On April 24, Comcast announced that its merger agreement with Time Warner Cable and its transactions agreement with Charter Communications, Inc. have been terminated.

On April 28, Comcast and Midwest Cable notified the Commission that the transactions approved in Docket Nos. 14-507 and 14-513 have been terminated and will not be consummated. Midwest Cable, pursuant to the settlement agreement, withdraws its petition, application for transfer and settlement agreement, and relinquishes its conditional certificate of authority. Midwest Cable also notes that it has not begun to provide service, and its relinquishment will have no effect on any customers.

On April 30, a Notice of Joint Withdrawal of the petition for Confirmation of Eligibility for TAP Reimbursement was filed by Midwest Cable, Midwest Cable, Inc. aka GreatLand Connections, Inc. and the Department of Commerce.

The Commission has not received any objection to either withdrawal petitions.

Commission Options

1. Should the Commission Approve Comcast Corporation's and Midwest Cable Phone of Minnesota, LLC's Withdrawal of the Petition, Application, and Settlement Agreement and Relinquishment of Conditional Authority in Dockets 14-507 and 513, and close the dockets?
 - a. Yes.
 - b. Other action determined by the Commission

2. Should the Commission Approve Midwest Cable, Inc., Midwest Cable Phone of Minnesota, LLC, and the Minnesota Department of Commerce's Joint Withdrawal of Petition Regarding TAP Reimbursement and VoIP Service in Docket 15-318, and close the docket?
 - a. Yes.
 - b. Other action determined by the Commission.

Staff Recommendation

Staff recommends Options 1.a. and 2.a.