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October 14, 2020

VIA EDOCKETS

Mr. Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
St. Paul, MN 55101

**Re: In the Matter of the Application of CenturyLink for Expedited Approval to Discontinue Physical Connection with KTF Telecom Inc.  
Docket No. P6312, P421/IC-20-522**

Dear Mr. Seuffert:

The Minnesota Department of Commerce appreciates this opportunity to share brief responsive comments in the above-captioned matter.<sup>1</sup> As discussed in prior comments, the Department is required to “investigate and ascertain whether public convenience requires the continuance of the physical connection.”<sup>2</sup> Consistent with this statutory requirement, the Department served Information Request Nos. 6–10 to investigate CenturyLink’s claims that “it is almost a certainty that ‘multiple local exchange carriers are authorized to provide service’ in the area served by KTF”<sup>3</sup> and that KTF’s remaining customers “will be best served by having another provider.”<sup>4</sup>

Department Information Request No. 6 asked for a list of customer locations where CenturyLink provides the underlying network to serve KTF’s retail customers. CenturyLink stated only that KTF appears to offer service in the wire centers of Mora, Pine City, and Rush City.<sup>5</sup> The Department suspects that CenturyLink may maintain more detailed records of those

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<sup>1</sup> Attach. A., Email from Michelle Rebholz, Supervisor, Minn. Pub. Utils. Comm’n, to Greg Doyle, Manager, Minn. Dep’t of Comm. (Oct. 13, 2020, 09:36 CDT).

<sup>2</sup> Minn. Stat. §§ 237.74, subd. 9, 237.12, subd. 2 (2018).

<sup>3</sup> *In re Appl. of CenturyLink for Expedited Approval to Discontinue Physical Connection with KTF Telecom Inc.*, Docket No. P6312, P421/IC-20-522 (“KTF Discontinuance Docket”), CenturyLink Supplemental Comments at 2 (Sept. 30, 2020) (eDocket No. 20209-166968-01)

<sup>4</sup> Attach. B., CenturyLink Responses to Department Information Request Nos. 6–10 (Oct. 12, 2020); KTF Discontinuance Docket, Reply Comments of CenturyLink at 2 (Sept. 10, 2020) (eDocket No 20209-166509-01).

<sup>5</sup> CenturyLink Response to Department Information Request No. 6.

locations where its network exists and is used to provide retail service. If CenturyLink does not know the KTF retail locations being served by CenturyLink's network, then it lacks a basis to make the claim that there are alternative service providers available to KTF customers.<sup>6</sup> Further, no information was provided to demonstrate that there are multiple alternatives available to customers for the full range of retail services currently offered by KTF, which are currently provided over CenturyLink's network.

In response to Department Information Request No. 8, CenturyLink offered a county-by-county service provider list.<sup>7</sup> The Department notes that service availability in rural areas can differ significantly based on whether a customer is located "in town" versus a more remote area. The Department finds that this county-by-county list has only limited value because it does not demonstrate that alternative providers are able to provide service to retail locations currently served by KTF over CenturyLink's network. The Department also notes that it is common for providers to obtain Commission approval to serve areas even if that company has no plans to serve all approved areas. For example, a company may obtain Commission approval to provide telecommunications services in all CenturyLink exchanges, but only offer service in some of them. The Department does not believe the Commission can rely upon the list provided by CenturyLink to accurately reflect the providers actually available to KTF retail customers.

CenturyLink's assertion that public convenience supports discontinuance of the physical connection, given the availability of other providers, lacks the evidence necessary to substantiate it. The Department believes public convenience in this matter will be best served if CenturyLink is willing to work with regulatory agencies to find a solution that will mitigate the harm to existing KTF customers. As a result, the Department continues to recommend: (1) the Commission should deny CenturyLink's application to discontinue the physical connection; or (2) if CenturyLink voluntarily agrees to continue retail services offered by KTF, then allow CenturyLink to discontinue the physical connection in accordance with the notice plan proposed by the Department.<sup>8</sup>

Sincerely,

/s/ Richard Dornfeld

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<sup>6</sup> While CenturyLink retains the burden to support its assertions, the Department also has asked KTF for this customer location information.

<sup>7</sup> CenturyLink Response to Department Information Request No. 8.

<sup>8</sup> KTF Discontinuance Docket, Department Supplemental Comments at 12 (Sept. 30, 2020) (eDocket No. 20209-166967-02).