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August 12, 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. P407/AM-14-603

Dear Dr. Haar:

Attached are the comments of the Minnesota Department of Commerce (Department) to Citizens Telecommunications Company of MN, LLC, (Citizens) filing of tariff pages to introduce Frontier Emergency Connect Service.

The Department is available to answer any questions.

Sincerely,

BONNIE JOHNSON  
Public Utilities Telecommunications Analyst

BJ/ja  
Attachment

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE  
MINNESOTA DEPARTMENT OF COMMERCE

DOCKET NO. P407/AM-14-603

**I. BACKGROUND**

On October 8, 2008, the Minnesota Public Utilities Commission (Commission) issued an Order Approving Alternative Form of Regulation (AFOR) Plan in Docket No. P-407/AR-08-588, *In the Matter of Citizens Telecommunications Company of Minnesota, LLC Adoption of the Revised Alternative Form of Regulation Plan of Frontier Communications of Minnesota, Inc.*

On April 4, 2011 the Commission approved Citizens request to extend its current AFOR for an additional one year in Docket No. P-407/AR-08-588.

On October 25, 2012, the Commission issued an Order Approving Citizens AFOR Plan in Docket No. P-407/AR-12-405, *In the Matter of Citizens Telecommunications Company of Minnesota, LLC Proposal to Adopt an Existing Alternative Form of Regulation Plan*

On July 16, 2014 Citizens filed tariff pages to introduce Frontier Emergency Connect Service. In the filing, Citizens stated that “[t]his service is not included in the list of services defined as “price regulated” in Minn. Stat. 237.761, nor does it provide access to the local telephone network, Therefore, it is being tarified under flexibly priced services.”<sup>1</sup>

**II. STATEMENT OF ISSUES**

What is the appropriate classification of Citizen’s Emergency Connect Service under Minnesota Statutes and the company’s AFOR Plan.

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<sup>1</sup> See Attachment 1, Citizens cover page to its filing.

### III. APPLICABLE RULES

The Statute governing the classification and definition of a Price Regulated service, as well as the specific price regulated services, are contained within in Minn. Stat. 237.761, subd. 1-3. The Statute states

#### 237.761 ALTERNATIVE REGULATION PLAN; SERVICE.

Subdivision 1. Classification of services. An alternative regulation plan must contain provisions that provide for classification of all telephone services as price regulated, flexibly priced, or nonprice regulated consistent with subdivisions 2 to 5.

Subd. 2. Price-regulated service; definition. For purposes of this section, the term "price-regulated service" includes only those services that are:

- (1) essential for providing local telephone service and access to the local telephone network;
- (2) integrally related to privacy, health, and safety of the company's customers; and
- (3) for which no reasonable alternative exists within the relevant market or geographic area on reasonably comparable terms and conditions.

Subd. 3. Specific price-regulated services. Price-regulated telephone services are the following:

- (1) residential and business service for local calling, including measured local service, two-party service, private branch exchange (PBX) trunks, trunk type hunting services, direct inward dialing, the network access portion of central office switched exchange service, and public access lines for customer-owned coin-operated telephones;
- (2) extended area service;
- (3) switched network access service;
- (4) call tracing;
- (5) calling number blocking;
- (6) touch tone service when provided separately from basic local exchange service;
- (7) local exchange, white-page, printed directories;
- (8) 911 emergency services;
- (9) installation and repair of local network access;
- (10) local operator services, excluding directory assistance; and
- (11) toll service blocking and 1-900 or 976 access blocking.

#### **IV. DEPARTMENT ANALYSIS**

Citizens states in its filing that the service being provided with Frontier Emergency Connect Service is not in the list of services defined as price regulated, as listed in Minn. Stat. 237.761. The Department disagrees and has been unable to reach agreement with Citizens on this issue. In its proposed tariff Citizens describes the service as, “a LIMITED SERVICE that allows calls to be placed to 911 only.”<sup>2</sup> The service, which accesses the local network to reach 911, falls squarely in the price-regulated service definition in Minn. Stat. 237.761, subd. 2. Specifically, the service 1) provides access to the local network; 2) is integrally related to health and safety of the company’s customer; and 3) no reasonable alternative exists within the relevant market or geographic area on comparable terms and conditions. Further, 911 emergency service is specifically listed in Minn. Stat. 237.761, subd. 3, number 8, as a price regulated service.

#### **V. COMMISSION ALTERNATIVES**

- A. Find that Emergency Connect Service is a price regulated service.
- B. Find that Emergency Connect Service is a flexibly priced service.
- C. Take other action that the Commission deems appropriate.

#### **VI. DEPARTMENT RECOMMENDATION**

The Department recommends Alternative A.

- A. Find that Emergency Connect Service is a price regulated service.

/ja

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<sup>2</sup> See Attachment 1, Section 2, Original Sheet 32.



July 16, 2014

Burl W. Haar, Ph.D.  
Executive Secretary  
Minnesota Public Utilities Commission  
121 Seventh Place East, Suite 350  
St. Paul, MN 55101-2147

Re: Citizens Telecommunications Company of Minnesota, LLC  
Frontier Emergency Connect Service

Dear Dr. Haar:

Citizens Telecommunications Company of Minnesota, LLC ("Citizens") files the following tariff pages to introduce Frontier Emergency Connect Service.

Emergency Connect Service will provide outbound calling only to the Frontier call center or 911. This service does not allow for any inbound calling.

This service is not included in the list of services defined as "price regulated" in Minn. Stat. 237.761, nor does it provide access to the local telephone network. Therefore, it is being tariffed under flexibly priced services.

If you have any questions, please call me at (952) 491-5534.

Sincerely,

A handwritten signature in black ink that reads "Scott Bohler".

Scott Bohler  
Regulatory Manager--Minnesota

Enclosures

**TARIFF NO. 3  
FLEXIBLY PRICED SERVICES**

**CITIZENS TELECOMMUNICATIONS COMPANY  
OF MINNESOTA**

**SECTION 2  
Fourth Revised Index Sheet 1  
Cancels Third Revised Index Sheet 1**

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GENERAL SERVICES

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**TARIFF NO. 3  
FLEXIBLY PRICED SERVICES**

**CITIZENS TELECOMMUNICATIONS COMPANY  
OF MINNESOTA**

**SECTION 2  
Original Sheet 32**

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GENERAL SERVICES

FRONTIER EMERGENCY CONNECT SERVICE

A. GENERAL

1. Frontier Emergency Connect Service is a LIMITED SERVICE that allows calls to be placed to 911 ONLY. The service does NOT allow for any inbound calling.

B. REGULATIONS

1. This service is available where technically feasible and subject to availability of existing facilities.
2. All attempted inbound calls will receive a recording saying the number is not in service.
3. Customers will not be given a telephone number of the service and no directory listing services will be available.
4. The customer only has the following dialing options:
  - 911 and
  - Where technically feasible, the ability to dial 611 and/or a Frontier Call Center.
  - All other calling patterns will receive re-order tone.
5. The call origination telephone number (All information) going to the 911 center will indicate NO CALL BACK allowed.
6. Applicable Non-Recurring charges may apply.
7. NO LIABILITY SHALL ATTACH TO THE COMPANY REGARDING USE OF SERVICES OR THE FAILURE OF OR INABILITY TO USE THE SERVICES. FURTHER, COMPANY SHALL NOT BE LIABLE FOR DAMAGES (INCIDENTIAL, CONSEQUENTIAL, PUNITIVE OR EXEMPLARY OR ATTORNEY'S FEES) ARISING FROM ERRORS, MISTAKES, OMISSIONS, INTERRUPTIONS, OR DELAYS OF THE COMPANY, ITS AGENTS, SERVANTS OR EMPLOYEES, IN THE COURSE OF ESTABLISHING, FURNISHING, REARRANGING, MOVING, TERMINATING, OR CHANGING THE SERVICE OF FACILITIES (INCLUDING THE OBTAINING OR FURNISHING OF INFORMATION IN RESPECT THEREOF OR WITH RESPECT TO THE CUSTOMERS OR USERS OF THE SERVICE OR FACILITIES).

C. RATES AND CHARGES

	Monthly Rate
Frontier Emergency Connect Service	\$4.99

## **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. P407/AM-14-603**

Dated this **12<sup>th</sup>** day of **August 2014**

**/s/Sharon Ferguson**



First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_14-603_AM-14-603
Scott	Bohler	scott.bohler@ftr.com	Frontier Communications Corporation	2378 Wilshire Blvd  Mound, MN 55364-1652	Electronic Service	No	OFF_SL_14-603_AM-14-603
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500  Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_14-603_AM-14-603
Burl W.	Haar	burl.haar@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_14-603_AM-14-603
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_14-603_AM-14-603
Jack D.	Phillips	jack.phillips@ftr.com	Frontier Communications Of MN, Inc.	14450 Burnhaven Drive  Burnsville, MN 55306	Electronic Service	No	OFF_SL_14-603_AM-14-603