



**Jason D. Topp**  
Assistant General Counsel  
(651) 312-5364

June 28, 2021

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

**Re: In the Matter of a Petition for a Rulemaking Regarding Minnesota Rules  
Chapter 7810  
Docket No. P-421/M-21-381**

Dear Mr. Seuffert:

Enclosed for filing are CenturyLink's Comments regarding the above-referenced matter.

Very truly yours,

/s/ Jason D. Topp

JDT/bardm

Enclosure

cc: Service List

**STATE OF MINNESOTA  
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

|                    |              |
|--------------------|--------------|
| Katie Sieben       | Chair        |
| Valerie Means      | Commissioner |
| Matthew Schuerger  | Commissioner |
| Joseph K. Sullivan | Commissioner |
| John Tuma          | Commissioner |

**Re: In the Matter of a Petition for a Rulemaking Regarding Minnesota Rules  
Chapter 7810  
Docket No. P-421/M-21-381**

CERTIFICATE OF SERVICE

STATE OF MINNESOTA )  
  ) ss  
COUNTY OF HENNEPIN )

Dianne Barthel hereby certifies that on the 28th day of June, 2021, she e-filed a true and correct copy of the annexed filing by posting it on [www.edockets.state.mn.us](http://www.edockets.state.mn.us). Said document was also served on the service list via e-mail as designated with the Minnesota Public Utilities Commission.

/s/ Dianne Barthel  
Dianne Barthel

| First Name     | Last Name                      | Email                                | Company Name                       | Address   | Delivery Method    | View Trade Secret | Service List Name      |
|----------------|--------------------------------|--------------------------------------|------------------------------------|---|--------------------|-------------------|------------------------|
| Linda          | Chavez                         | linda.chavez@state.mn.us             | Department of Commerce             | 85 7th Place E Ste 280<br><br>Saint Paul,<br>MN<br>55101-2198             | Electronic Service | No                | OFF_SL_21-381_M-21-381 |
| Generic Notice | Commerce Attorneys             | commerce.attorneys@ag.state.mn.us    | Office of the Attorney General-DOC | 445 Minnesota Street Suite 1400<br><br>St. Paul,<br>MN<br>55101           | Electronic Service | Yes               | OFF_SL_21-381_M-21-381 |
| Generic Notice | Residential Utilities Division | residential.utilities@ag.state.mn.us | Office of the Attorney General-RUD | 1400 BRM Tower<br>445 Minnesota St<br>St. Paul,<br>MN<br>551012131        | Electronic Service | Yes               | OFF_SL_21-381_M-21-381 |
| Will           | Seuffert                       | Will.Seuffert@state.mn.us            | Public Utilities Commission        | 121 7th PI E Ste 350<br><br>Saint Paul,<br>MN<br>55101                    | Electronic Service | Yes               | OFF_SL_21-381_M-21-381 |
| Eric           | Swanson                        | eswanson@winthrop.com                | Winthrop & Weinstine               | 225 S 6th St Ste 3500<br>Capella Tower<br>Minneapolis,<br>MN<br>554024629 | Electronic Service | No                | OFF_SL_21-381_M-21-381 |
| Jason          | Topp                           | jason.topp@lumen.com                 | CenturyLink Communications, LLC    | 200 S 5th St Ste 2200<br><br>Minneapolis,<br>MN<br>55402                  | Electronic Service | No                | OFF_SL_21-381_M-21-381 |

**STATE OF MINNESOTA  
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

|                           |                     |
|---------------------------|---------------------|
| <b>Katie Sieben</b>       | <b>Chair</b>        |
| <b>Valerie Means</b>      | <b>Commissioner</b> |
| <b>Matthew Schuerger</b>  | <b>Commissioner</b> |
| <b>Joseph K. Sullivan</b> | <b>Commissioner</b> |
| <b>John Tuma</b>          | <b>Commissioner</b> |

**IN THE MATTER OF A PETITION FOR A           MPUC Docket No. P-421/M-21-381  
RULEMAKING REGARDING MINNESOTA  
RULES CHAPTER 7810**

**CENTURYLINK'S COMMENTS**

**INTRODUCTION**

CenturyLink files these comments in response to the Commission's Notice of Comment Period issued on June 11, 2021. CenturyLink's Petition sets forth its view that a rulemaking is needed to adjust state rules to properly balance the state's interest in quality broadband service with its interest in voice service. Current rules are more than 40 years old and are reflective of an era where providers were monopolies that could recover costs associated with service quality standards through rate of return pricing. Today, a small percentage of the workload for providers relates to voice service. The quality of that service should be driven by customer choice rather than top-down regulation.

**DISCUSSION**

The Commission sought comment on the following issues:

- Is a rulemaking necessary to address CenturyLink's concerns? Describe alternatives that can possibly address the Company's concerns without the need for rulemaking.
- How does CenturyLink's petition comport with Minn. Administrative Rules, specifically Parts 1400.2040 and 1400.2500 relating to the language of the requested rule changes or repeals proposed by the Company?

- What should be the scope of any rulemaking proceeding related to Minn. Rules Ch. 7810?
- What procedures should the Commission establish for any rulemaking proceeding?
- What additional information and analysis should the Commission seek if it considers proceeding with a rulemaking?
- Should the Commission approve or deny CenturyLink's petition for rulemaking?
- Are there other issues or concerns related to this matter?

CenturyLink provides comments on these issues as follows:

**1. Is a rulemaking necessary to address CenturyLink's concerns? Describe alternatives that can possibly address the Company's concerns without the need for rulemaking.**

CenturyLink believes that a rulemaking would be the best way to address its concerns. It would be possible to grant a waiver of the rules of most concern to the company, but the issues raised in the Petition are not limited to one company and the concern about balancing the importance of voice and broadband service in Minnesota is a statewide issue.

**2. How does CenturyLink's petition comport with Minn. Administrative Rules, specifically Parts 1400.2040 and 1400.2500 relating to the language of the requested rule changes or repeals proposed by the Company?**

The Petition meets these requirements. Minn. R. 1400.2500 is a suggested format for a petition for rulemaking and does not specifically impose requirements. Nonetheless, the Petition includes the information set forth in the rule. The Petition meets the requirements of Minn. R.

1400.2040, subp 1., which requires that a petition contain the following information:

- A. the name and address of the petitioner;
- B. the specific action (adoption, amendment, or repeal of an agency rule) requested by the petitioner; and
- C. the need for the requested action.

CenturyLink's Petition contains the name and address of the petitioner, describes the need for action and requests that "[t]he Commission should revisit its landline voice service rules, either eliminate or modify Minn. R. 7810.5800 and Minn. R. 7810.5200 and make any other modifications it deems appropriate." The Petition meets the requirements of both rules.

**3. What should be the scope of any rulemaking proceeding related to Minn. Rules Ch. 7810?**

CenturyLink is supportive of a rulemaking addressing the two specific rules it identified (7810.5800 and 7810.5200) or all of the service quality rules in Minnesota (7810.4900 through 7810.6100).

**4. What procedures should the Commission establish for any rulemaking proceeding?**

CenturyLink recommends that the Commission invite comments that suggest and support proposed rules along with a round of reply comments. At that point, it may decide upon draft rules and follow the required procedures under Minn. Stat. Chapter 14.

**5. What additional information and analysis should the Commission seek if it considers proceeding with a rulemaking?**

CenturyLink recommends that the Commission review the approach to service quality rules taken in neighboring states. In large part, those states have eliminated service quality rules.

**6. Should the Commission approve or deny CenturyLink's petition for rulemaking?**

The Commission should approve the Petition.

**7. Are there other issues or concerns related to this matter?**

Public comments have been filed by representatives from Stillwater Township in this proceeding. Although those comments purport to oppose the Petition, their substance illustrates why the Commission should move forward with this proceeding. A significant portion of the comments focus on broadband service and availability. The comments attempt to demonstrate

the importance of voice service but their substance does the opposite. Four of five Township Board members list cell phones as their primary phone number – clearly illustrating the manner in which wireless service has replaced landline phone as the primary means of communication in Minnesota.<sup>1</sup> Modifying service quality rules to better balance priorities associated with broadband and voice service will advance, rather than hinder, the concerns raised by the Township.

Dated this 28th day of June, 2021.

QWEST CORPORATION DBA  
CENTURYLINK QC

/s/ Jason D. Topp  
Jason D. Topp  
200 South 5th Street, Room 2200  
Minneapolis, MN 55402  
(651) 312-5363  
[Jason.topp@lumen.com](mailto:Jason.topp@lumen.com)

---

<sup>1</sup> [https://stillwatertownship.com/index.asp?SEC=099F0F50-3287-4268-AEAD-7B87D6359EB6&Type=B\\_LIST](https://stillwatertownship.com/index.asp?SEC=099F0F50-3287-4268-AEAD-7B87D6359EB6&Type=B_LIST).