

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

Beverly Jones Heydinger	Chair
Nancy Lange	Vice Chair
Dan Lipschultz	Commissioner
Matt Schuerger	Commissioner
John Tuma	Commissioner

**In the Matter of Telephone Assistance Plan  
(TAP) Review**

**Docket No. P999/CI-16-302**

**VERIZON'S INITIAL COMMENTS**

MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services (“Verizon”) submits these comments pursuant to the schedule established by the Commission’s May 25, 2016 “Notice of Comment Period” (“Notice”).

While reserving its right to file reply comments on all issues addressed in the Notice, Verizon here addresses the suggestion that the Commission permit the use of TAP funds to support broadband services. Notice at 1.

As a creature of statute, the Commission cannot exceed the limited authority granted by Minn. Stat. §§ 237.69, 237.70 and 237.701. *See Peoples Natural Gas Co., Div. of Inter-North, Inc. v. Minnesota Public Utilities Com.*, 369 N.W.2d 530, 534 (Minn. 1985) (being a creature of statute, Commission has only those powers given by the legislature and may not enlarge its powers beyond that contemplated by the legislature). These statutes do not authorize the collection or expenditure of TAP funds to support broadband services. Rather, they refer exclusively to “telephone” and “local exchange” service, neither of which encompasses broadband service. Moreover, Minn. Stat. § 237.701, Subd. 1(1) explicitly limits carrier reimbursement from the TAP fund to “local service providers,” and does not authorize payments

to broadband service providers. Absent statutory changes, the Commission has no jurisdiction or authority to collect or disburse TAP funds to subsidize broadband service.

Verizon appreciates the opportunity to comment.

Dated: June 27, 2016

**MCImetro Access Transmission Services LLC  
d/b/a Verizon Access Transmission Services**

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