

Minnesota Public Utilities Commission
Staff Briefing Paper

Meeting Date: January 7, 2014 Agenda Item* # 1

Companies: All Local Service Providers

Docket No. P999/M-13-755
In the Matter of a Petition by the Department of Commerce to Order
Discontinuance of Service to Revoked Carriers and Carriers that have
Relinquished their Certificates of Authority

Issue: Should the Commission grant the DOC's petition?

Staff: Ganesh Krishnan 651-201-2215

Relevant Documents

DOC Petition October 29, 2013

The attached materials are work papers of 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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Background

From time to time, telecommunications carriers relinquish their certificates of authority (“RL” docket) because they have no customers to serve, or because of purchase and acquisition (“PA” docket), the certificates have been transferred to the surviving corporate entity. Carriers’ certificates of authority can also be revoked (“RV” docket) by the Commission, after notice of hearing and hearing, if the carriers fail to meet the terms and conditions of their certificates.

In these instances, under Minn. Stat. §237.121, Subd. (a)(6),¹ a telephone company or a telecommunications carrier is prohibited from providing telephone service to such carriers.

Purchase and acquisition, relinquishment, and revocation of certificates are acted on by the Commission in individual dockets. In each of these dockets, however, the Department of Commerce (DOC) specifically notes that it would petition the Commission at a later time, after compiling a list of companies which no longer hold a valid certificate of authority, to issue an order directing all local carriers and telecommunications carriers to discontinue service to the companies on the list. It is administratively more efficient to periodically compile a list of such carriers for the purpose of discontinuance of service than to inform all carriers individually in every instance of relinquishment/revocation/purchase-acquisition.

Most recently, the Commission ordered discontinuance of service to such carriers on August 7, 2012 in Docket P999/M-12-449.

Department of Commerce Petition

On October 29, 2013, the DOC filed a petition, including a list of carriers which no longer hold a valid certificate of authority, requesting the Commission to issue an order advising all telephone companies and telecommunications carriers to discontinue service arrangements with those companies on the list.

¹ The statute, in relevant part, reads: “A telephone company or telecommunications carrier may not do any of the following with respect to services regulated by the commission: provide telephone service to a person acting as a telephone company or telecommunications carrier if the commission has ordered the telephone company or telecommunications carrier to discontinue service to that person.”

The DOC's list of companies is reproduced below:

Company	Docket No.	Date of Purchase-Acquisition/ Relinquishment/Revocation
Business Portability Solutions, Inc.	P,PT6410/PA-04-1724	1/5/2005
Mainstreet Telephone Company	P5831/RL-11-864	9/16/2011
Cordia Communications Corp.	P6523/RL-11-1219	2/3/2012
Northstar Telecom, Inc.	P6415/RL-11-1220	2/3/2012
My Tel Co, Inc.	P6612/RV-12-364	6/1/2012
Yak Communications(America), Inc.	P6363/RL-12-387	5/9/2012
Dinamica Telecom, Inc.	P6588/RV-12-471	9/7/2012
American Fiber Network, Inc.	P5842/RV-12-472	7/26/2012
Telemanagement Systems, Inc.	P5850/RV-12-487	8/24/2012
V-Global Communications, LLC	P6504/RV-12-488	7/26/2012
Prime Time Communications, Inc.	P5793/RV-12-489	9/7/2012
Midwestern Telecommunications, Inc.	P6849/RV-12-507	9/7/2012
Desktop Media, Inc.	P5434/RV-12-579	8/16/2012
QX Telecom, LLC	P6065/RV-12-896	11/27/2012
Master Call Communications, Inc.	P6253/RV-12-897	11/27/2012
Arizona Dialtone, Inc.	P5798/RL-12-1144	1/15/2013
360networks (USA) Inc.	P6854, 5816, 5812, 5980, 5728/PA-12-1251	1/25/2013
AboveNet Communications, Inc.	P6854, 5816, 5812, 5980, 5728/PA-12-1251	1/25/2013
American Fiber Systems, Inc.	P6854, 5816, 5812, 5980, 5728/PA-12-1251	1/25/2013
BackPack Software, Inc. dba Inter.com	P6437/RV-13-420	8/2/2013
Marathon Communications Incorporated	P5676/RV-13-769	10/25/2013

The DOC has petitioned for the following action by the Commission:

- 1) Order all local exchange and interexchange carriers to discontinue service arrangements enabling the list [above] of identified carriers to provide Minnesota intrastate telecommunications services to end-user and wholesale customers.
- 2) Order carriers who find that end-user or wholesale customers will be affected by the discontinuance to contact the Department within 7 days of the date of the Commission's Order. The Department will notify the carrier within 3 business days if the discontinuance may proceed, if there must first be a transition plan approved by the Department, or if the matter is to be further addressed by the Commission prior to discontinuance.
- 3) Order all local exchange and interexchange carriers to not engage in any new service arrangements for the provision of services that enable the identified carriers to provide Minnesota intrastate telecommunications service to end-user or wholesale customers effective immediately, unless this Order is suspended by another Commission Order.

Staff Recommendation

Staff recommends that the Commission grant the DOC's petition and adopt the DOC recommendations.

Commission Options

1. Grant the DOC's petition.
2. Other action by the Commission.