

March 22, 2018

Daniel P. Wolf  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East  
St. Paul, Minnesota 55101-2147

<b>RE:</b>	<b>West Central Telephone Association</b>	<b>P431/AM-17-835</b>
	<b>Garden Valley Telephone Cooperative</b>	<b>P409/M-17-837</b>
	<b>Halstad Telephone Company</b>	<b>P530/M-17-838</b>
	<b>Paul Bunyan Telephone Cooperative</b>	<b>P432/M-17-854</b>

Dear Mr. Wolf:

Attached are supplemental comments of the Minnesota Department of Commerce in the above referenced matters. These supplemental comments are offered to align the recommendations of the Department of Commerce in Docket No. P432/M-17-854 (Paul Bunyan Telephone cooperative, or PBC) with these three similar dockets.

Thus, in alignment with the recommendations for PBC, the Department recommends that the Commission designate West Central Telephone Association, Garden Valley Telephone Company, and Halstad Telephone Company as eligible telecommunications carriers in the exchanges listed in each of their petitions, for so long as the companies comply with 47 U.S.C § 214(e)(1). The Department also recommends that the Commission refer the below questions to P999/CI-17-509. Please note that these questions have been modified from the Department's recommendation submitted in the PBC docket.

- What information should customers receive about the availability of Lifeline if Lifeline is not provided throughout the entire exchange by the ETC?
- How granular should information be in filings with the Minnesota regulatory agencies about where a company provides Lifeline service if the proposed ETC does not serve the entire exchange?
- Should the Commission be informed about customers who requested service but subsequently declined due to the cost of excess constructions charges?
- Should the Commission consider a rule change to 7811.0600, Subp. 4 and 7812.0600 Subp. 4, to require ETCs to serve customers "either using its own facilities or a

Daniel P. Wolf  
March 22, 2018  
Page 2

combination of its own facilities and resale of another carrier's services," to make Minnesota Rules compatible with FCC Rule 254?

- If the Commission considers a change to Minnesota rules so they are consistent with FCC rule 254, then under what terms and conditions may the ETC impose excess construction charges?

Sincerely,

/s/JOY GULLIKSON  
Rates Analyst

JG/ja  
Attachment



## Before the Minnesota Public Utilities Commission

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### Supplemental Comments of the Minnesota Department of Commerce

West Central Telephone Association	P431/AM-17-835
Garden Valley Telephone Cooperative	P409/M-17-837
Halstad Telephone Company	P530/M-17-838

#### I. BACKGROUND

On March 19, 2018, the Department of Commerce (Department) filed comments in Docket No. P 423/M-17-854, the request of Paul Bunyan Rural Telephone Cooperative (PBC) for ETC status in its expanded service area.

The request filed by PBC for ETC status in its expanded area is similar to three other recent petitions for ETC designation:

West Central Telephone Association (WCTA)	P431/AM-17-835
Garden Valley Telephone Cooperative (GVTC)	P409/M-17-837
Halstad Telephone Company (Halstad)	P530/M-17-838

The Department's comments in the PBC matter were filed following conversations with representatives of PBC, WCTA, GVTC, and Halstad, and were thus more refined than the comments for the three companies listed above. The comments offered here are to align the recommendations of the Department for WCTA, GVTC, and Halstad with the recommendations for PBC.

#### II. ANALYSIS

Consistent with the Department comments in the PBC matter and the prior comments of the Department in the WCTA, GVTC, and Halstad comments, the Department agrees that there is no evidence to suggest that any of the companies would behave in any way contrary to the public interest. Indeed, the proposals to bring advanced facilities to the areas in question will provide choice to customers, and the Lifeline component would help to ensure that low income consumers are not left behind.

There are two larger issues involved in the proposals to be named as an ETC:

1. What distinction, if any, should be made for a carrier seeking designation as an ETC to offer Lifeline service, and a carrier seeking designation to be an ETC to participate in the FCC's High Cost fund, or other reasons?
2. Does designation of an ETC status imply the existence of competition in the affected area?

In its previous comments, the Department recommended that WCTA, GVTC, and Halstad file reports to the Commission and the Department showing instances where customers requested service from the petitioning companies, but subsequently declined due to the imposition of excess constructions charges. While the Department is it is important to understand the extent of unmet service demand, especially in rural Minnesota, the issue of reporting may be best addressed in a larger proceeding where the Commission can apply its decision to all ETCs.

An examination of the requirements that should apply to all ETCs could occur in Docket No. P999/CI-17-509, *In the Matter of a Commission Investigation into the Appropriate Notice and Outreach Requirements for Eligible Telecommunications Carriers under 47 U.S.C. § 214(e)*. Thus far, the 17-509 Docket has been primarily focused on wireless ETC requirements.

Additional questions that could be considered in the 17-509 Docket or a broader proceeding include:

- What information should customers receive about the availability of Lifeline if it is not provided throughout the entire exchange by the ETC?
- How granular should information be about where a company provides Lifeline if it is not the entire exchange?
- Should the Commission be informed about customers that requested service but declined due to the cost of excess constructions charges?
- Should the Commission consider a rule change to 7811.0600, Subp 4 and 7812.0600 Subp.4, to require ETCs to serve customers either through facilities plus excess construction charges, or through facilities plus resold services, to make Minnesota Rules compatible with FCC Rule 254?. Currently, Minnesota Rules require that all customers in an ETC's serving area be provided service, but allow for excess construction charges to be applied, while FCC Rules 254 (c) require provider to offer services either through its own facilities or a combination of its own facilities and resale of another carrier's services.

- If the Commission considers a change to Minnesota rules so they are consistent with FCC rule 254, then under what terms and conditions may the ETC impose excess construction charges?

### III. COMMISSION ALTERNATIVES

1. Grant ETC status in the expanded exchanges listed in PBC's application for so long as PBC complies with 47 U.S.C § 214(e)(1).
2. Grant ETC status in the expanded exchanges listed in PBC's application for so long as PBC complies with 47 U.S.C § 214(e)(1). PBC is to file an annual written report showing formal requests for service where the company provided the customer with an estimate of excess construction charges.
3. Require PBC to refile for ETC status, with its petition specifying the census blocks in which the company plans to actually offer service.
4. Refer the following questions to P999/CI-17-509:
  - What information should customers receive about the availability of Lifeline if Lifeline is not provided throughout the entire exchange by the ETC?
  - How granular should information be about where a company provides Lifeline if the proposed ETC does not have facilities in the entire exchange?
  - Should the Commission be informed about customers who requested service but subsequently declined due to the cost of excess constructions charges?
  - Should the Commission consider a rule change to 7811.0600, Subp 4 and 7812.0600 Subp.4, to require ETCs to serve customers either through facilities plus excess construction charges, or through facilities plus resold services, to make Minnesota Rules compatible with FCC Rule 254?
  - If the Commission considers a change to Minnesota rules so they are consistent with FCC rule 254, then under what terms and conditions may the ETC impose excess construction charges?
5. Deny ETC status in the expanded exchanges.

#### **IV. DEPARTMENT RECOMMENDATION**

The Department recommends that the Commission adopt Alternatives 1 and 4 for all companies filing for ETC in their expanded areas: Grant ETC status in the expanded exchanges listed in PBC's application for so long as PBC complies with 47 U.S.C § 214(e)(1), and refer the following questions to P999/CI-17-509:

- What information should customers receive about the availability of Lifeline if Lifeline is not provided throughout the entire exchange by the ETC?
- How granular should information be about where a company provides Lifeline if the proposed ETC does not have facilities in the entire exchange?
- Should the Commission be informed about customers who requested service but subsequently declined due to the cost of excess constructions charges?
- Should the Commission consider a rule change to 7811.0600, Subp 4 and 7812.0600 Subp.4, to require ETCs to serve customers either through facilities plus excess construction charges, or through facilities plus resold services?
- If the Commission consider a change to Minnesota rules so they are consistent with FCC rule 254, then under what terms and conditions may the ETC impose excess construction charges?

/ja

## **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  
Supplemental Comments**

**Docket No. P431/AM-17-835, P409/M-17-837, P530/M-17-838 and  
P432/M-17-854**

**Dated this 22<sup>nd</sup> day of March 2018**

**/s/Sharon Ferguson**

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Chad	Bullock	chadb@wcta.net	West Central Telephone Association	308 Frontage Road PO Box 304 Sebeka, MN 56477	Electronic Service	No	OFF_SL_17-835_AM-17-835
Thomas	Burns	tgburns@otcpas.com	OLSEN THIELEN & CO. LTD	2675 Long Lake Rd  Saint Paul, MN 55113	Electronic Service	No	OFF_SL_17-835_AM-17-835
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 280  Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_17-835_AM-17-835
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1800  St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_17-835_AM-17-835
David	Denton	david.denton@state.mn.us	DPS ECN	445 Minnesota Street Suite 137 St. Paul, Minnesota 55101	Electronic Service	No	OFF_SL_17-835_AM-17-835
Ian	Dobson	residential.utilities@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_17-835_AM-17-835
Pete	Eggimann	PEGGIMANN@MN-MESB.ORG	Metropolitan Emergency Services Board	2099 University Ave W Ste 201  St. Paul, MN 551043431	Electronic Service	No	OFF_SL_17-835_AM-17-835
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Dana	Wahlberg	dana.wahlberg@state.mn.us	Department of Public Safety	Town Square Ste 137 444 Cedar St St. Paul, MN 551015126	Electronic Service	No	OFF_SL_17-835_AM-17-835
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_17-835_AM-17-835



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Thomas	Burns	tgburns@otcpas.com	OLSEN THIELEN & CO. LTD	2675 Long Lake Rd  Saint Paul, MN 55113	Electronic Service	No	OFF_SL_17-837_M-17-837
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 280  Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_17-837_M-17-837
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Pete	Eggimann	PEGGIMANN@MN-MESB.ORG	Metropolitan Emergency Services Board	2099 University Ave W Ste 201  St. Paul, MN 551043431	Electronic Service	No	OFF_SL_17-837_M-17-837
Jason	Topp	jason.topp@centurylink.com	CenturyLink	200 S 5th St Ste 2200  Minneapolis, MN 55402	Electronic Service	No	OFF_SL_17-837_M-17-837
Dana	Wahlberg	dana.wahlberg@state.mn.us	Department of Public Safety	Town Square Ste 137 444 Cedar St St. Paul, MN 551015126	Electronic Service	No	OFF_SL_17-837_M-17-837

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Dana	Wahlberg	dana.wahlberg@state.mn.us	Department of Public Safety	Town Square Ste 137 444 Cedar St St. Paul, MN 551015126	Electronic Service	No	OFF_SL_17-838_M-17-838
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_17-838_M-17-838

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Thomas	Burns	tgburns@otcpas.com	OLSEN THIELEN & CO. LTD	2675 Long Lake Rd  Saint Paul, MN 55113	Electronic Service	No	OFF_SL_17-854_M-17-854
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 280  Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_17-854_M-17-854
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