

STATE OF MINNESOTA  
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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|-------------------------|--------------|
| Beverly Jones Heydinger | Chair        |
| David C. Boyd           | Commissioner |
| Nancy Lange             | Commissioner |
| Dan Lipschultz          | Commissioner |
| Betsy Wergin            | Commissioner |

**In the Matter of a Rulemaking to Consider  
Possible Amendments to Minnesota Rules  
parts 7810.4100 through 7810.6100**

**Docket No. P-999/R-14-413**

**COMMENTS OF THE JOINT CLECS**

Eschelon Telecom of Minnesota, Inc. d/b/a Integra, Integra Telecom of Minnesota, Inc. d/b/a Integra, twtelecom of Minnesota, llc, TDS Metrocom, LLC and Velocity Telephone, Inc. (“Joint Competitive Local Exchange Carriers,” or “Joint CLECs”) respectfully submit these comments in response to the Minnesota Public Utilities Commission’s *Request for Comments*.<sup>1</sup>

**Background**

On March 26, 2014, CenturyLink filed a petition for waiver of Minnesota Rule Part 7810.5800 and a request for a rulemaking to review service quality rules.<sup>2</sup> The Commission opened docket P-421/AM-14-256<sup>3</sup> to address the petition for rulemaking, and P-421/AM-14-255<sup>4</sup> to address the Rule 7810.5800 waiver request. The Joint CLECs filed comments in P-421/14-256 on April 14,

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<sup>1</sup> *Request for Comments*, In the Matter of a Rulemaking to Consider Possible Amendments to Minnesota Rules parts 7810.4100 through 7810.6100, PUC Docket Number P-999/R-14-413, August 4, 2014 (“Request for Comments”).

<sup>2</sup> *Petition for Waiver of Minnesota Rule Part 7810.5800 and Request for Rulemaking to Modernize Service Quality Rules*, In the Matter of the Petition of CenturyLink, Inc. for Waiver of Minnesota Rule Part 7810.5800, PUC Docket Number 421/AM-14-255, March 26, 2014 (“Petition for Waiver”).

<sup>3</sup> In the Matter of the CenturyLink, Inc. Petition for Rulemaking to Revise Service Quality Rules, PUC Docket Number 421/AM-14-256, March 26, 2014.

<sup>4</sup> *Notice of Comment Period*, In the Matter of the CenturyLink, Inc. for Waiver of Minnesota Rule Part 7810.5800, P421/AM-14-255, April 2, 2014.

2014.<sup>5</sup> The Joint CLECs filed comments in P-421/14-255 on April 30, 2014<sup>6</sup> and June 12, 2014.<sup>7</sup> On May 22, 2014 the Commission opened this rulemaking and established a list of criteria that must be addressed by those suggesting rule changes.<sup>8</sup> The Commission’s *Request for Comments* outlined additional details that should be provided by “anyone requesting rule changes.”<sup>9</sup>

## Comments

The Joint CLECs do not propose any changes to the Commission’s existing service quality rules. However, the Commission noted that any party proposing changes to the Commission’s service quality rules must include, “evidence of the impact any recommended change would potentially have on competition, local exchange carriers and wholesale service quality.”<sup>10</sup> The Joint CLECs’ interest in this case is to ensure that wholesale service quality is not inadvertently impacted by changes to the retail service quality rules.

The Joint CLECs purchase wholesale products from incumbent carriers such as CenturyLink, which are then used as inputs into the Joint CLECs’ retail service offerings. Most of the wholesale products purchased by the Joint CLECs are purchased through Interconnection Agreements, and wholesale service quality for these products is governed by CenturyLink’s Performance Assurance Plan (“CPAP”).<sup>11</sup> Wholesale service quality within the CPAP is either measured and compared against a benchmark or CenturyLink’s retail service quality standards,

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<sup>5</sup> *Comments of Joint CLECs*, In the Matter of the CenturyLink, Inc. Petition for Rulemaking to Revise Service Quality Rules, P-421/AM-14-256, April 14, 2014.

<sup>6</sup> *Comments of Joint CLECs*, In the Matter of the CenturyLink, Inc. for Waiver of Minnesota Rule Part 7810.5800, P421/AM-14-255, April 30, 2014.

<sup>7</sup> *Supplemental Comments of Joint CLECs*, In the Matter of the CenturyLink, Inc. for Waiver of Minnesota Rule Part 7810.5800, P421/AM-14-255, June 12, 2014.

<sup>8</sup> *Findings and Conclusions*, In the Matter of a Rulemaking to Consider Possible Amendments to Minnesota Rules parts 7810.4100 through 7810.6100, PUC Docket Number P-999/R-14-413, May 22, 2014.

<sup>9</sup> *Request for Comments*, p. 1.

<sup>10</sup> *Request for Comments*, p. 2.

<sup>11</sup> The Minnesota CPAP can be found at <http://www.centurylink.com/wholesale/clecs/nta.html> under Exhibit K.

depending on the particular product being measured. As a result, changes to retail service quality standards could impact wholesale service quality performance, by changing the standard against which wholesale service quality is measured.

The Joint CLECs are not necessarily opposed to changes in, and updates to, retail service quality rules. However, the Joint CLECs would like an opportunity to comment on proposed changes, and address the impact, if any, on wholesale service quality standards. Therefore, the Joint CLECs respectfully request the Commission allow for a comment reply round, in the event a party proposes changes to the existing retail service quality rules. Should the Commission grant a round of reply comments, the Joint CLECs request that the Commission consider the scope of initial comments, as well as the holiday season, when setting the deadline for a response.

### **Conclusion**

The Joint CLECs do not propose changes to the Commission's retail service quality rules. However, to the extent other parties propose changes, the Joint CLECs request the opportunity to address how the proposed changes may impact wholesale service quality.

Dated this 4<sup>th</sup> day of December, 2014.

On behalf of the Joint CLECs



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