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November 20, 2014

Steve Mihalchick
Administrative Law Judge
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620

Via: E-File

Re: In the Matter of the Petition of Hutchinson Telecommunications, Inc. for Arbitration with Embarq Minnesota, Inc., Pursuant to 47 U.S.C. Section 252 of the Federal Telecommunications Act
MPUC Docket No. P-421, 5561, 430/IC-14-189
OAH Docket No. 48-2500-31383

Dear Judge Mihalchick:

Enclosed for filing in the above-referenced matter please the following:

1. Affidavit of Thomas Burns; and
2. Certificate of Service.

Please don't hesitate to contact me if you have any questions. Thank you for your assistance in this matter.

Sincerely,

/s/Gregory R. Merz

Gregory Merz

GRM/akm
Enclosures

STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
David C. Boyd
Nancy Lange
Dan Lipschultz
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Petition of Hutchinson
Telecommunications, Inc. for Arbitration with
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Telecommunications Act

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CERTIFICATE OF SERVICE

I, Amy K. Milbradt, hereby certify that I have this day, served copies of an *Affidavit of Thomas Burns* by electronic service as designated on the attached service list.

Dated this 20th day of November, 2014.

/s/Amy K. Milbradt
Amy K. Milbradt

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_14-189_Official CC Service List
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 55101-2198	Electronic Service	Yes	OFF_SL_14-189_Official CC Service List
Burl W.	Haar	burl.haar@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_14-189_Official CC Service List
Mary	Holly	mholly@winthrop.com	Winthrop & Weinstine, P.A.	225 S Sixth St Ste 3500 Minneapolis, MN 55402	Electronic Service	Yes	OFF_SL_14-189_Official CC Service List
Linda	Jensen	linda.s.jensen@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota Street St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_14-189_Official CC Service List
John	Lindell	agorud.ecf@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_14-189_Official CC Service List
Gregory R.	Merz	gregory.merz@gpmlaw.com	Gray, Plant, Mooty	80 S 8th St Ste 500 Minneapolis, MN 55402-5383	Electronic Service	Yes	OFF_SL_14-189_Official CC Service List
Steve	Mihalchick	steve.mihalchick@state.mn.us	Office of Administrative Hearings	PO Box 64620 St. Paul, MN 551640620	Electronic Service	Yes	OFF_SL_14-189_Official CC Service List
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	Ste 122 9100 W Bloomington Frwy Bloomington, MN 55431	Electronic Service	Yes	OFF_SL_14-189_Official CC Service List
Eric	Swanson	eswanson@winthrop.com	Winthrop Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	Yes	OFF_SL_14-189_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jason	Topp	jason.topp@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	Yes	OFF_SL_14-189_Official CC Service List

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

Beverly Jones Heydinger
David C. Boyd
Nancy Lange
Dan Lipschultz
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In the Matter of the Petition of Hutchinson Telecommunications, Inc. for Arbitration with Embarq Minnesota, Inc., Pursuant to 47 U.S.C. Section 252 of the Federal Telecommunications Act

MPUC Docket No. P-421,5561,430/IC-14-189
OAH Docket No. 48-2500-31383

AFFIDAVIT OF THOMAS BURNS

Thomas Burns, upon being sworn, states as follows:

1. I am a telecommunications consultant employed by Olsen Thielen & Co., Ltd. I have been retained to assist Hutchinson Telecommunications, Inc. (“HTI”) in this matter. My direct and rebuttal testimony were previously admitted into evidence. I am submitting this affidavit pursuant to the Order of the Administrative Law Judge, dated November 17, 2014, permitting supplementation of the record.

2. In its reply brief, at pages 15 and 16, CenturyLink EQ asserted that the Department of Commerce had incorrectly claimed “that CenturyLink EQ uses the same transport facility between Glencoe and Osseo to transport calls between its own Glencoe customers as would be necessary for similar HTI calls.” CenturyLink EQ goes on to assert that “Calls between CenturyLink EQ customers in Glencoe are connected in the Glencoe remote switch and are not transported to and from Osseo.”

3. This assertion by CenturyLink EQ appears to be inconsistent with evidence presented by CenturyLink EQ at the hearing. In particular, CenturyLink EQ’s witness, William Easton, in his direct testimony, states as follows:

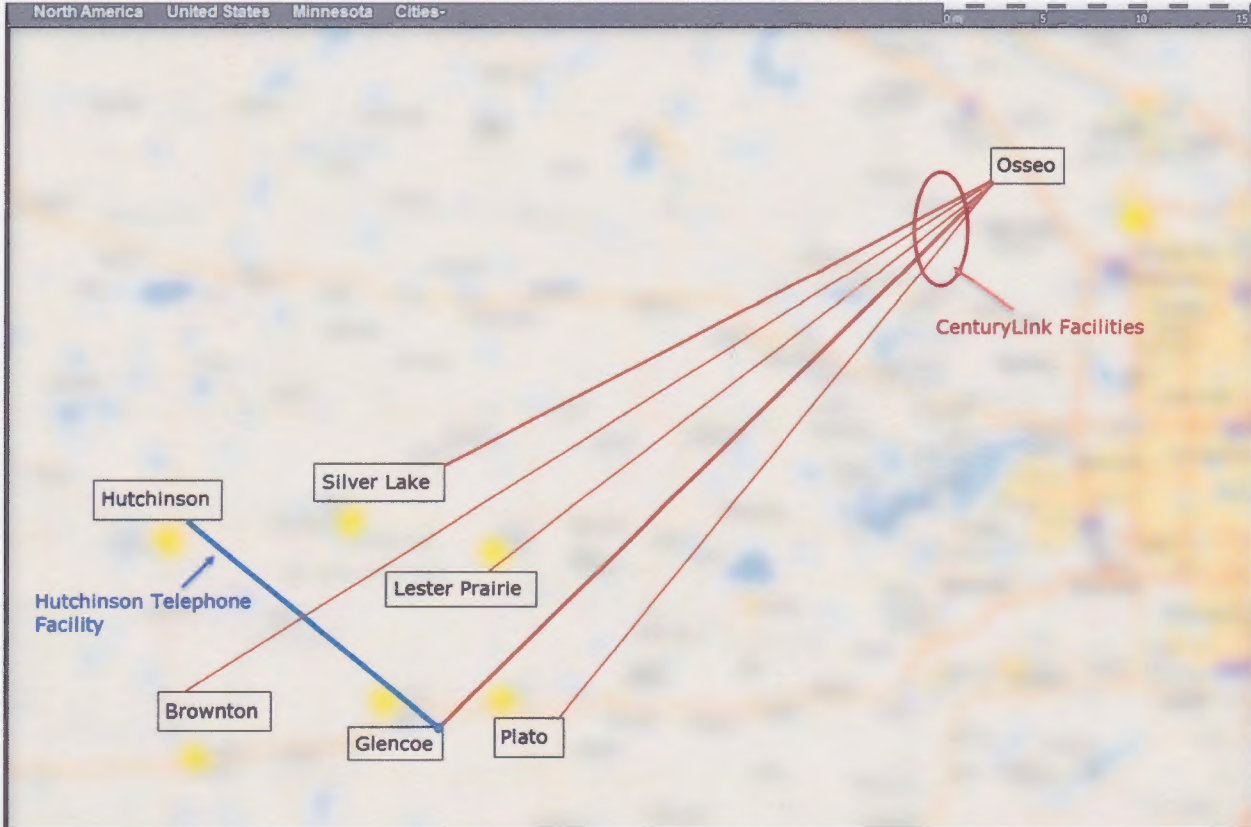
Hutchinson seeks to connect with CenturyLink EQ at Glencoe, Minnesota, in a remote central office. A remote central office contains no intelligent switching equipment and instead provides line side connections for customer loops and an umbilical connection to a host switch, *where all the switching activity takes place.*¹

This testimony describes the remote in Glencoe as a “dumb remote switch” – i.e., a remote that is not capable of handling calls absent the host switch. In other words, if Mr. Easton was accurately describing the capabilities of the Glencoe remote in his testimony, it could not be the case that “calls between CenturyLink EQ customers in Glencoe are connected in the Glencoe remote switch,” as CenturyLink EQ now claims. Thus, although Ms. Doherty did not cite any specific support for her statement that a call to a Glencoe customer to another Glencoe customer would need to be routed via the Osseo host, Mr. Easton’s testimony, quoted above, does provide support for her conclusion.

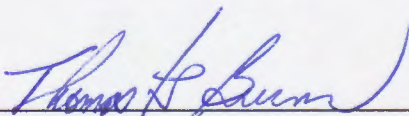
4. CenturyLink EQ now appears to be contradicting the testimony of its own witness. However, assuming that what CenturyLink EQ now asserts is true – that the Glencoe remote can handle calls between its Glencoe customers without routing the calls via the Osseo host – it would still be the case that CenturyLink EQ does use Glencoe-Osseo facilities exchange of local calls between its own customers. All calls between CenturyLink EQ’s Glencoe customers and customer in any of the EAS exchanges shown in the diagram following (i.e., Brownton, Lester Prairie, Plato, and Silver Lake) must traverse the Glencoe-Osseo facilities. Further, CenturyLink EQ uses the Glencoe-Osseo facilities for its own use, pursuant to a bill and keep arrangement with Hutchinson Telephone Company that was established to support the Hutchinson-Silver Lake EAS.² The Hutchinson-Silver Lake facility call path is shown in with thicker lines.

¹ Hearing Ex. 1 (Easton Direct Testimony), p. 48, line 31 – p. 49, line 2 (emphasis added).

² See Hearing Ex. 100 (Burns Direct), p. 41, lines 1-5.



5. The controversy over this issue misses the larger point, however. CenturyLink EQ's argument that HTI should be responsible for transport on CenturyLink EQ's side of the POI rests on the now outdated "Calling Party Network Pays" cost causation model, which the FCC rejected in its *CAF Order*. Pursuant to that Order, bill and keep is the preferred reciprocal compensation model, and that has been the reciprocal compensation methodology that has been in place between HTI and CenturyLink EQ for fifteen years.



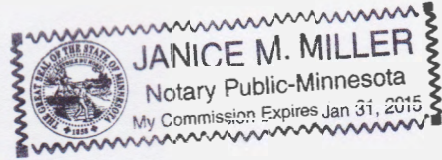
 Thomas Burns

Subscribed and sworn to before me

this 20th day of November, 2014.

Janice M. Miller
Notary Public

My Commission Expires: *January 31, 2015*



GP:3835105 v1