

December 4, 2014

Via Electronic Filing

Dr. Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place E., Suite 350
St. Paul, MN 55101-2147

Re: In the Matter of A Rulemaking to Consider Possible Amendments to Minnesota Rules
parts 7810.4100 through 7810.6100
MPUC Docket No. P999/R-14-413

Dear Dr. Haar:

Enclosed via eFiling please find the December 4, 2014 Initial Comments of Minnesota Telecom Alliance in the above entitled docket. In addition, enclosed is a Certificate of Service.

Very truly yours,



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RJJ/keb
Enclosures
cc: All parties of record

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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 A Rulemaking to Consider
Possible Amendments to Minnesota Rules parts
7810.4100 through 7810.6100

Revisor's ID Number R-04269
MPUC Docket No. P999/R-14-413

DECEMBER 4, 2014 INITIAL COMMENTS OF MINNESOTA TELECOM ALLIANCE

The Minnesota Telecom Alliance (“MTA”) submits these comments to the Minnesota Public Utilities Commission (“Commission”) in response to the Commission’s August 4, 2014 Request for Comments (“Notice”). That Notice invited comments on “whether the rules [Minnesota Rules parts 7810.4100 through 7810.6100] should be modified and, if so, how they should be changed.” The Notice also provided guidance regarding the contents of Comments to be filed.

As explained in these Initial Comments, the MTA strongly supports the Commission’s initiative to amend Minnesota Rules parts 7810.4100 through 7810.6100 (collectively, the “Quality of Service Rules”). For the reasons more fully explained in these Initial Comments, the MTA recommends the following:

- The Commission should repeal Minnesota Rules 7810.4100, 7810.4300, 7810.5100, 7810.5300, and 7810.6000; and
- The Commission should also modify Minnesota Rules parts 7810.4900, 7810.5000, 7810.5200, 7810.5800, and 7810.5900.

The changes to the Quality of Service Rules recommended by the MTA are fully justified because: (1) when implemented decades ago, the basic rationale for these rules was to provide requirements to assure service quality in the context of single (monopoly) providers of service, a rationale that is no longer justified in a highly competitive market; (2) some of these rules clearly were intended to apply to types of technology that are no longer in use, making the rules obsolete; (3) some of these rules could be substantially simplified; and (4) some of these rules address topics that are of little or no value to customers.

The MTA appreciates the opportunity to participate in this process and submits these written comments and suggestions in order to facilitate further dialog and discussion and not as a full and final statement of its position.

I. BACKGROUND.

The Commission opened this proceeding pursuant to its May 22, 2014 Order Detailing Disposition of Petition and Initiating Rulemaking Proceeding (the “Initial Order”). In the Initial Order, the Commission acknowledged “that the development of significant technological advancements, as well as the evolution of a competitive marketplace not envisioned when the rules were first promulgated, has vastly altered the consumer experience.” The Commission initiated this proceeding to assess whether technological advances and the altered competitive landscape support revisions to the Quality of Service Rules. As discussed generally in this section and more specifically in relationship to each Rule, changes to the Quality of Service Rules are both reasonable and justified.

1. The Fundamental Monopoly Service Rationale of the Quality of Service Rules No Longer Applies or Supports the Quality of Service Rules.

The Quality of Service Rules were adopted at a time when the market for telecommunications services was monopolistic. In such markets, proscriptive regulation acts as

a substitute for competitive forces.¹ However, as further explained below, the market for telecommunications service is no longer monopolistic. Rather, several competitors – both firms and technologies – contend with each other to provide service to customers. This has led to a drastically different competitive market than the monopoly market that was present when the Quality of Service Rules were adopted. Accordingly, a fundamental rationale for the Quality of Service Rules is now absent.

2. Substantial Technological Changes Since the Quality of Service Rules Were Adopted That Make Many Provisions Obsolete and Counterproductive.

The Quality of Service Rules have been in place since at least 1970 and have remained virtually unchanged since that time.² In the intervening years, the technology used to provide retail telecommunications service has changed dramatically. The Commission’s decision to consider repealing or amending the Quality of Service Rules is therefore appropriate and timely.

As is apparent from the text of several of the Quality of Service Rules, the technology prevailing when many of these rules were adopted is now a historic curiosity. For example, it is clear from the text that a number of the Quality of Service Rules were adopted at a time when operators manually established connections, shared lines, and part time service (less than 24 hours per day) were typical.

The Quality of Service Rules also reflect a system operated using mechanical switches, not modern digital, Internet Protocol “soft” switches now in use. As a result, several of the

¹ See e.g., Walter Adams, *The Role of Competition in the Regulated Industries*, 48 AM. ECON. REV. 527 (1958); Stephen G. Breyer, Regulation and Its Reform p. 20 (1982) “The competitive market does not provide the firms within it much opportunity for arbitrary or unjustifiably discriminatory exercise of personal power. If grocery store A hires rude salesmen or provides inadequate service, the customer can switch to store B. If an unregulated [monopoly] telephone company were to treat a customer unfairly, he or she would have no adequate recourse. ... The regulatory system, by providing recourse for grievances against the monopolist, offers a remedy that to some extent makes up for the lack of competition’s guarantees against unjustified discrimination.”

² See Minn. Reg. PSC, Ch. 7 (1970).

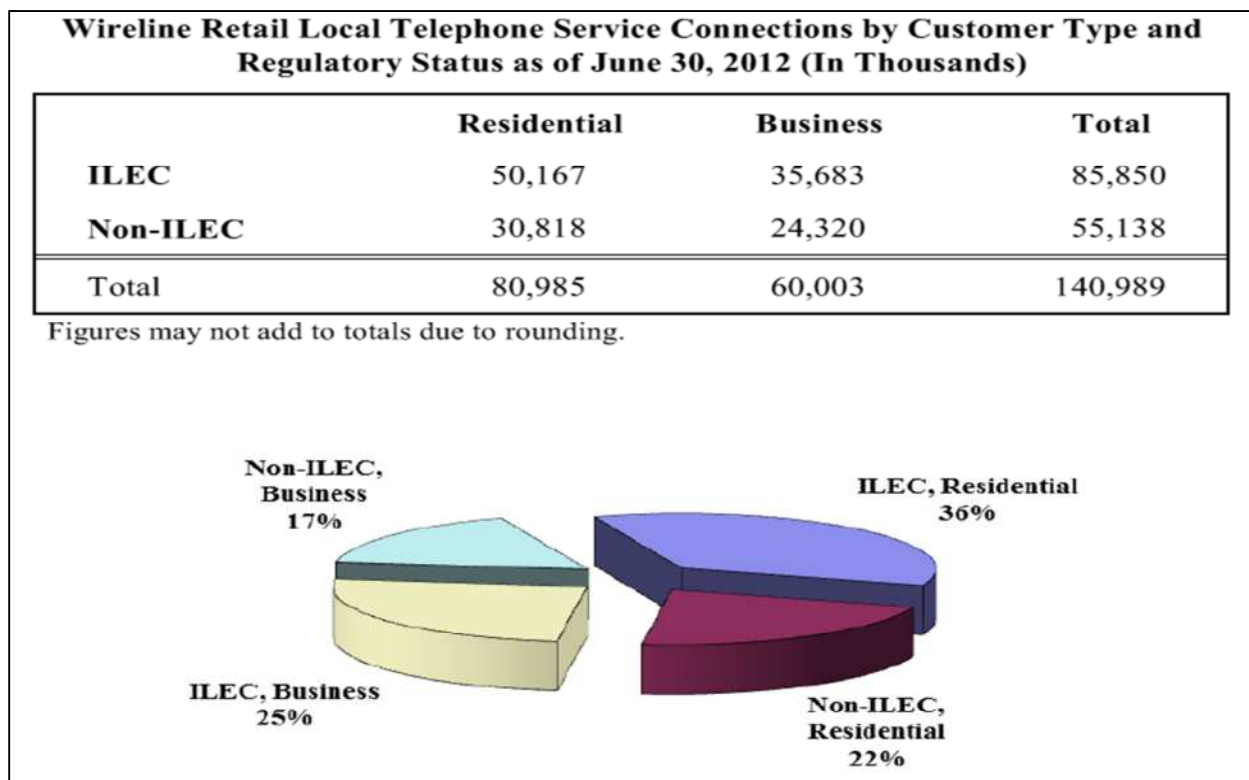
Quality of Service Rules are far out of step with the technology now in use. Accordingly, even if the topics of the rules remained relevant (which most are not), the terminology used is no longer applicable or even feasible.

3. The Quality Of Service Rules Do Not Reflect Market Realities.

Market changes have also made many of the Quality of Service Rules even more obsolete. Specifically, the telecommunications market is now highly competitive, including intramodal competition (between wireline carriers) and intermodal competition (between wireline and wireless carriers)

As of June, 2013, approximately 42% of all wireline service was provided by non-ILECs, with similar shares of business and residential service, as shown in Figure 1 below.³

Figure 1



³ Federal Communication Commission, Local Telephone Competition: Status as of June 30, 2013, 4 (June 2014)[*hereinafter* June 2013 Local Telephone Competition Report].

The percentage of wireline service provided by non-ILEC's in Minnesota is actually higher than the national average, with non-ILEC's representing 47% of all non-wireless subscriptions.⁴

Further, there are 142 different non-ILEC's operating in the state,⁵ and the Department of Commerce lists 267 different long distance providers.⁶ This level of competition is also reflected in smaller local service markets. The table below provides several examples of various sized communities located throughout Minnesota where customers have several different options for wireline telephone service.

Table 1⁷
Self-Identified Service Providers in Selected Minnesota Communities
(Minnesota Department of Commerce Phone Service Providers Database)

<u>Community</u>	<u>Number of Authorized Local Providers</u>
Willmar	8
St. James Township	4
Monticello Township	4
Fergus Falls	10
Deerwood	4
Austin	9
Litchfield	5

Clearly, the structure of the telecommunications service market is vastly different than when the Quality of Service rules were developed.

In addition to having more wireline providers to choose from, customers have telecommunication options that were not in existence when the Quality of Service Rules were

⁴ *Id.* at 20, Table 9.

⁵ *Id.* at 28, Table 17.

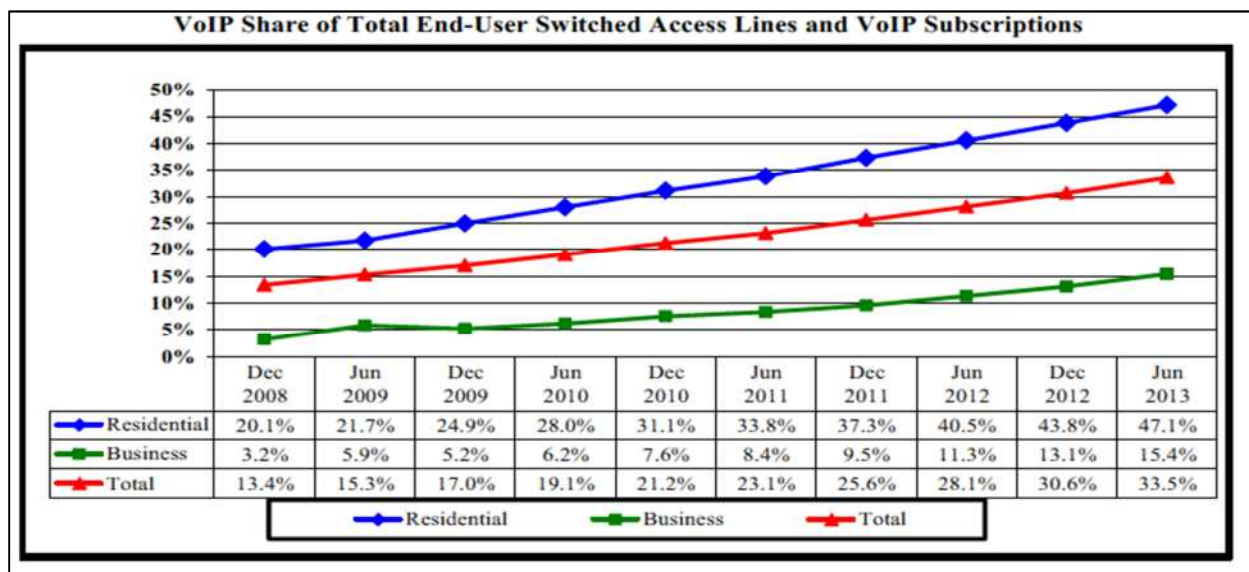
⁶ Minnesota Department of Commerce, Telephone Service Providers, <https://www.edockets.state.mn.us/eAssessment-public/company/searchServiceProvider.action?serviceType=1&sortChar=1&cityOrTship=1>.

⁷ Minnesota Department of Commerce, Telephone Service Providers, <http://mn.gov/commerce/topics/telecom/telephone-service/minnesota-phone-service-providers.jsp>. The Department of Commerce database relies on information provided by each company. Thus, it may not include every provider in every community and may actually underestimate the options available to customers.

adopted. For example, there was literally no Internet and obviously no Internet usage in 1970. Even by the mid-1990s when the Commission’s local competition rules were adopted, on-line Internet usage was minimal with approximately 14% of the population using the Internet.⁸ In contrast, Internet usage has increased to approximately 87% today.⁹ The same goes for wireless, where now, there are almost 3.5 times as many mobile telephone subscriptions as switched access line subscriptions.¹⁰

Internet and wireless penetration have empowered two main alternatives to traditional switched access service: Voice of Internet Protocol (VoIP) and wireless-only service. VoIP now represents approximately 34% of all wireline service nationally and 29% of wireline service in Minnesota.¹¹ As of June 2013, VOIP accounted for nearly 50% of residential usage nationally, as shown in Figure 2 below.

Figure 2¹²



⁸ Pew Research, Internet Use Over Time, <http://www.pewinternet.org/data-trend/internet-use/internet-use-over-time/> (Last visited November 19, 2014).

⁹ *Id.*

¹⁰ June 2013 Local Telephone Competition Report at 2.

¹¹ June 2013 Local Telephone Competition Report at 3, 20, Table 9.

¹² June 2013 Local Telephone Competition Report at 14, Chart 3.

If recent growth rates extended into 2014 (and there is no basis to doubt that they did), VoIP now accounts for more than 50% of all Residential wireline service.

Table 2 below presents essentially the same national information as Chart 1 in a different form:

Table 2¹³

End-User Switched Access Lines and VoIP Subscriptions by Customer Type (In Thousands)									
Date	End-User Switched Access Lines			VoIP Subscriptions			Total		
	Residential	Business	Total	Residential	Business	Total	Residential	Business	Total
Dec 2008	78,180	62,839	141,019	19,655	2,090	21,744	97,835	64,929	162,763
Jun 2009	73,093	60,015	133,109	20,257	3,733	23,990	93,350	63,748	157,098
Dec 2009	68,614	58,335	126,949	22,793	3,204	25,996	91,406	61,539	152,945
Jun 2010	64,463	58,152	122,615	25,015	3,842	28,857	89,478	61,994	151,472
Dec 2010	60,010	57,874	117,884	27,036	4,733	31,768	87,045	62,607	149,652
Jun 2011	56,019	56,428	112,447	28,617	5,150	33,767	84,637	61,577	146,214
Dec 2011	51,920	54,729	106,649	30,895	5,775	36,670	82,815	60,504	143,319
Jun 2012	48,337	53,495	101,832	32,937	6,823	39,760	81,274	60,318	141,592
Dec 2012	44,573	51,565	96,138	34,707	7,750	42,457	79,280	59,315	138,595
Jun 2013	40,946	48,890	89,836	36,409	8,882	45,291	77,355	57,771	135,127

Some previously published data have been revised. Figures may not sum to totals due to rounding.

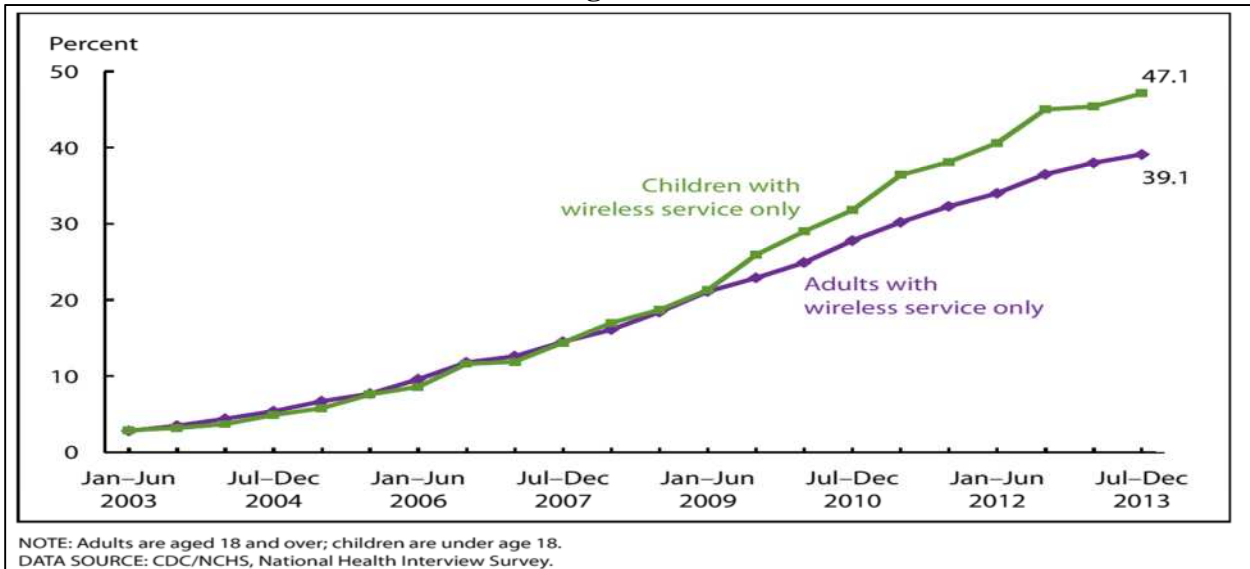
Customers are also increasingly adopting wireless-only telephone service, a service that did not exist when the Quality of Service Rules were adopted. In 2003, less than 5% of U.S. households had substituted wireless for their residential landline service: the figure now stands at 41%.¹⁴ The trend of wireless-only is likely to grow, as younger customers are more likely than older customers to live in households with wireless-only service, as shown in Figure 3 below.¹⁵

¹³ June 2013 Local Telephone Competition Report at 14, Table 3.

¹⁴ National Institute of Health, Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July – December 2013, 1 (July 2014), available at <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201407.pdf>.

¹⁵ National Institute of Health, Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July – December 2013, 1 (July 2014), available at <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201407.pdf>.

Figure 3¹⁶



Further, the National Institute of Health estimates approximately 36% of Minnesota households are wireless-only, with no meaningful difference between the Metro Area and Greater Minnesota, as shown in Table 3, below.¹⁷

Table 3¹⁸

Page 6 National Health Statistics Reports ■ Number 70 ■ December 18, 2013

Table 1. Modeled estimates (with standard errors) of the percentage of persons living in wireless-only households, by selected geographic areas, age, and period: United States, 2011–2012—Con.

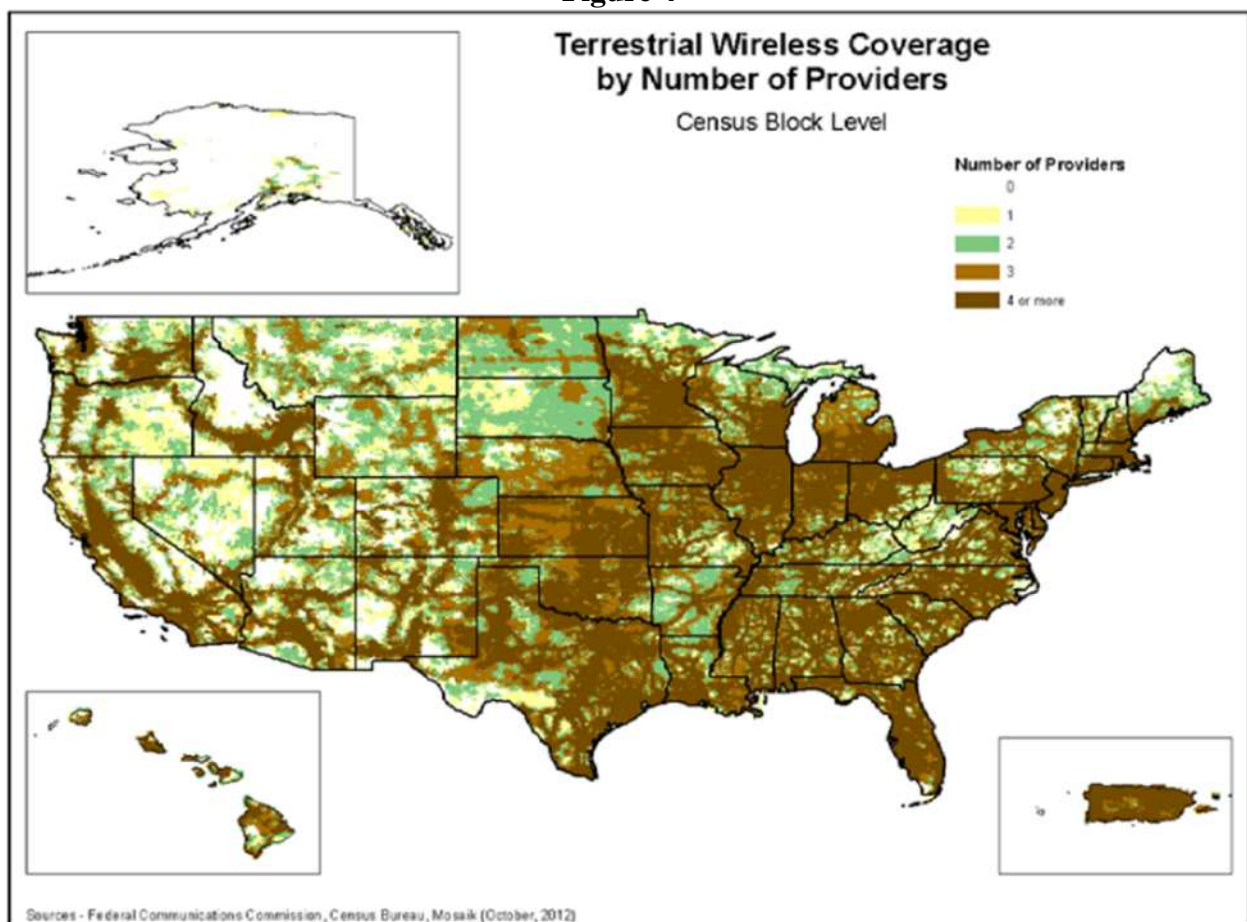
Geographic area	Adults aged 18 and over		Children under age 18	
	July 2011–June 2012	January–December 2012	July 2011–June 2012	January–December 2012
	Percent (standard error)			
Minnesota	34.4 (1.6)	35.7 (1.7)	33.0 (2.5)	36.7 (2.6)
Twin Cities counties ³	35.6 (2.1)	36.7 (2.3)	33.7 (3.5)	37.0 (3.7)
Rest of Minnesota	33.1 (2.3)	34.6 (2.5)	32.2 (3.4)	36.3 (3.7)

¹⁶ National Institute of Health, Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July – December 2013, 1 (July 2014), available at <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201407.pdf>.

Specifically, as of December 2012, 35.7% of all Minnesota adults, 36.7% of adults in the Twin Cities, and 34.6% of adults in Greater Minnesota lived in households with only wireless services.

Further, there are at least 15 wireless carriers that have been approved as eligible telecommunications carriers for Lifeline purposes. Finally, as shown in the figure below, there is robust competition in the Minnesota wireless market which may help foster continued growth in wireless-only service.

Figure 4¹⁹



Clearly, the service regulated under the Quality of Service Rules is subject to vastly more competition than when those rules were adopted. These competitive forces provide a regulating

¹⁹ Federal Communications Commission, Sixteenth Annual Report and Analysis of Competitive Market Conditions with Respect to Mobile Wireless, Including Commercial Mobile Services, 4 (Mar. 21, 2013), available at <http://www.fcc.gov/document/16th-mobile-competition-report>.

mechanism through customer choice: if one provider offers sub-standard service, customers are free to choose from a variety of firms and technologies. In such an environment, the Quality of Service Rules are no longer needed to act as a substitute for competitive forces.

3. The Legislature Supports The Repeal Of Obsolete Rules.

A number of rules pertaining to Inspections, Tests, and Service Requirements were repealed by the Legislature in 2004 and in 2008, including:

7810.4200	Meter and Recording Equipment Test Facilities
7810.4400	Initial Test
7810.4500	As-Found Tests
7810.4600	Routine Tests
7810.4700	Test Records
7810.4800	Customer Request for Testing and Review
7810.5600	Minimum Transmission Objectives
7810.5700	Public Telephone Service

Other rules that were repealed in 2004 and 2008 include: 7810.0100, subparts 16, 17, 30, and 32; 7810.0700, 7810.0800, 7810.2700, 7810.3400, subparts 1 and 2; 7810.3500, 7810.3600, 7810.3700, 7810.3800, 7810.4000, 7810.6200, 7810.6300, and 7810.6500. All of these rules were repealed due to obsolescence, and their repeal reflects Legislative support for elimination of rules that are no longer meaningful.

Efforts by the Legislature to repeal obsolete or unnecessary rules are consistent with the State's broader regulatory framework. For example, the Legislature requires state agencies, including the Commission to "develop rules and regulatory programs that emphasize superior achievement in meeting the agency's regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals."²⁰ State agencies are also required to

²⁰ Minn. Stat. § 14.002.

review rules annually to identify “rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules.”²¹ Diligently policing rules for continued relevance helps avoid an “overly prescriptive and inflexible” regulatory program that “increase[s] costs to the state, local governments, and the regulated community and decrease[s] the effectiveness of the regulatory program.”²²

The sections above discuss technological and structural changes to the market for telephone service that significantly undermine the continued reasonableness and relevance of the Quality of Service Rules. These changes make it extremely unlikely that, if proposed today, the Commission would be able to demonstrate a need for and the reasonableness of many parts of the Quality of Service Rules, as required by Minn. Stat. § 14.14, subd. 2. Given that many, if not most, of the Quality of Service Rules are no longer relevant in the modern telephone market and the State’s preference for streamlining regulations, the MTA requests the Quality of Service rules be repealed or significantly amended, as detailed below.

II. MTA INITIAL RECOMMENDATIONS WITH RESPECT TO MINNESOTA RULES PARTS 7810.4100 - 7810.6100.

This section includes the MTA’s specific recommendations as to each of the rules under consideration by the Commission, beginning with the current text of the rule, MTA’s comments regarding the rule and the MTA’s suggestions.

In the event that the Commission establishes an Advisory Committee under Minn. Stat. § 14.101, Mr. Brent Christensen, President and CEO of the MTA would request the opportunity to participate as a member of that Committee.

1. Minn. Rule 7810.4100-ACCESS TO TEST FACILITIES. The MTA recommends the Commission repeal Rule 7810.4100 because it refers to obsolete testing procedures and it

²¹ Minn. Stat. § 14.05, subd. 5.

²² Minn. Stat. § 14.002.

does not address all the testing that is required in today's telecommunications environment. The testing facilities described in this section reflect an era when operating and transmission capabilities were based on Time Division Multiplexing (TDM) technology. Today, operations and transmission is based on Internet Protocol (IP) technology. IP switches, or "soft switches," use Quality of Service (QOS) protocols that have inherent testing and maintenance capabilities that render Rule 7810.4100 obsolete. Soft switches are more like large computer routers than traditional TDM telephone switches and therefore their testing and maintenance is completely different. Accordingly, the MTA recommends that the rule be repealed entirely as follows:

7810.4100 ACCESS TO TEST FACILITIES.

~~Each telephone utility shall provide or have access to test facilities which will enable it to determine the operating and transmission capabilities of circuit and switching equipment, either for routine maintenance or for fault location.~~

2. **Minn. Rule 7810.4300-ACCURACY REQUIREMENTS.** The MTA recommends the Commission repeal Rule 7810.4300 because it does not reflect the technologies used in today's telecommunications markets. Rule 7810.4300 reflects an outdated mechanical approach (e.g. "meters and/or recording devices ... shall be in good mechanical and electrical condition") that does not reflect current industry practice, which is based on software applications. In addition, the accuracy requirements included in Rule 7810.4300 were created for an environment where long distance minutes were an important commodity. Today's voice service is one of many services that can be supplied over the broadband telecommunications networks. Long distance is a bundled service included in a service package that does not bill on a minutes of use basis. These service packages are billed at a single monthly rate and frequently include unlimited long distance calling. Given these market realities, Rule 7810.4300 is obsolete and should be repealed entirely as follows:

7810.4300 ACCURACY REQUIREMENTS.

~~All meters and/or recording devices used to record data and prepare customers' bills shall be in good mechanical and electrical condition, shall be accurately read, and shall not involve approximations. All meters and/or recording devices shall accurately perform the following:~~

~~For message rate service, where timing of length of message is not involved, the meter and/or recording device shall show accurately the number of completed messages sent by the station which it is measuring. For message rate and/or toll service when in addition to recording the calls it is necessary to time the calls, the meter and/or recording device shall show accurately the number of calls and the talking time involved in each call and the station making such call. When the recording equipment provides coded information that is used to automatically prepare customer bills, accurate interpretation of such coded information is required.~~

3. **Minn. Rule 7810.4900-ADEQUACY OF SERVICE.** The MTA recommends Rule 7810.4900 be amended to eliminate references to specific metrics that no longer match industry practice and service levels. For example, the Rule reflects part time service that is available less than 24 hour per day (“Each telephone utility shall provide emergency service in all exchanges operated in which regular service is not available at certain periods during the 24 hours of the day. When service is not continuous for the full 24-hour day, proper arrangements shall be made for handling emergency calls during the off-periods by the use of alarms ...”)(Emphasis added). Records of “assignment of facilities” are similarly based on long outdated operating methods. Accordingly, the MTA recommends Rule 7810.4900 be amended as follows:

7810.4900 ADEQUACY OF SERVICE.

~~Each utility shall employ reasonable engineering and administrative procedures to determine the adequacy of service being provided to the customer. Traffic studies shall be made and records maintained to the extent and frequency necessary to determine that sufficient equipment and an adequate operating force are provided during the busy hour, busy season. Each telephone utility shall provide emergency service in all exchanges operated in which regular service is not available at certain periods during the 24 hours of the day. When service is not continuous for the full 24-hour day, proper arrangements shall be made for handling emergency calls during the off-periods by the use of alarms maintained in proper conditions~~

~~with someone conveniently available so that emergency calls will be given prompt attention.~~

~~Each utility shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up to date and checked periodically to determine if adjustments are necessary to maintain proper balance in all groups.~~

4. **Minn. Rule 7810.5000-UTILITY OBLIGATIONS.** The MTA recommends Rule 7810.5000 be simplified and amended to eliminate unnecessary record-keeping and details that reflect operational methods that are no longer in use, and to eliminate vague references and obligations. The MTA recommends Rule 7810.5000 be amended as follows:

7810.5000 UTILITY OBLIGATIONS.

~~Each telephone utility shall provide telephone service to the public in its service area in accordance with its rules and tariffs on file with the commission. Such service shall meet or exceed the standards set forth in this chapter. Each telephone utility has the obligation of continually reviewing its operations to assure the furnishing of adequate service. Each telephone utility shall maintain records of its operations in sufficient detail as is necessary to permit such review and such records shall be made available for inspection by the commission upon request at any time within the period prescribed for retention of such records. Each utility shall make measurements to determine the level of service for each item included in these rules. Each utility shall provide the commission or its staff with the measurements and summaries thereof for any of the items included herein on request of the commission or its staff. Records of these measurements and summaries shall be retained by the utility as specified by the commission.~~

~~Where a telephone utility is generally operated in conjunction with any other enterprise, suitable records shall be maintained so that the results of the telephone operation may be determined upon reasonable notice and request by the commission.~~

5. **Minn. Rule 7810.5100-TELEPHONE OPERATORS.** The MTA recommends the Commission repeal Rule 7810.5100 because it is obsolete and reflects methods of operation that are long obsolete. Specifically, this rule is directed to the use of operators to manually connect and disconnect calls, which the operator could also hear. For example, the rule reads in part: “Telephone operators shall be instructed to be courteous, considerate, and efficient in the

handling of all calls, and to comply with the provisions of the Communications Act of 1934 in maintaining the secrecy of communications. All operator-handled calls shall be carefully supervised and disconnects made promptly.” (Emphasis added.) Given these facts, Rule 7810.4300 is obsolete and should be repealed entirely as follows: The rule currently reads as follows:

7810.5100 TELEPHONE OPERATORS.

~~Suitable practices shall be adopted by each telephone utility concerning the operating methods to be employed by operators with the objective of providing efficient and pleasing service to the customers. Telephone operators shall be instructed to be courteous, considerate, and efficient in the handling of all calls, and to comply with the provisions of the Communications Act of 1934 in maintaining the secrecy of communications. All operator handled calls shall be carefully supervised and disconnects made promptly. When an operator is notified by a customer that the customer has reached a wrong number on a direct dialed call, the customer shall be given a bill credit when the claim has been substantiated.~~

6. **Minn. Rule 7810.5200-ANSWERING TIME.** The MTA recommends Rule 7810.5200 be amended because it does not reflect current operating practices and technologies used for handling customer care through automated calling systems. The MTA recommends that the rule be amended because common call answering and help desk techniques now anticipate far more interaction recorded messages and recorded guidance and key-pad activated menu selections. In contrast, the current rule reflects a time when the only way to move a call forward to resolve service related or other issues was through a live operator. Further, as telecommunications service has evolved, customer calls have become more complex and more variable, making a one-size fits all standard unreasonable. The MTA recommends the Commission update Rule 7810.5200 to reflect modern automated answering systems and to focus only on call times for related to repairs. The MTA’s recommended amendments to Rule 7810.5200 are as follows:

7810.5200 ANSWERING TIME.

Calls to the repair service center by retail residential customers will be on hold no more than an average of 120 seconds after the last menu option is selected by the customer. A repair service representative will accept the information needed to begin processing the call and direct the caller to the appropriate personnel. Compliance shall be determined by a 12 month statewide average for residential customer repair calls.

~~Adequate forces shall be provided at local manual offices in order to assure that 95 percent of the calls will be answered within ten seconds. Ninety percent of repair service calls, calls to the business office, and other calls shall be answered within 20 seconds. An "answer" shall mean that the operator or representative is ready to render assistance and/or ready to accept information necessary to process the call. An acknowledgment that the customer is waiting on the line shall not constitute an answer.~~

7. **Minn. Rule 7810.5300-DIAL SERVICE REQUIREMENTS.** The MTA recommends the Commission repeal Rule 7810.5300 because it is obsolete, as the rule reflects neither current methods of operation nor current technology. Telephone calls were initially transmitted as electrical pulses of varying amplitude, known as analog signals. Analog calls were interconnected between the calling party and the called party with step switch technology. Beginning in the 1960's, step switch technology was converted to digital technology. Digital technology translated the voice transmission into a binary format (zero or one) where each bit is representative of two distinct amplitudes. With the advent of digital technology, analog step switches were replaced by Time Division Multiplexing (TDM) switches. Today, TDM switches have mostly been phased out and replaced with Internet Protocol (IP) "soft" switches. Soft switches route calls using Internet Protocol and act like large computer routers. These technological advances and associated operational changes render Rule 7810.5300 obsolete and that rule should be repealed in its entirety as follows"

7810.5300 DIAL SERVICE REQUIREMENTS.

~~Sufficient central office capacity and equipment shall be provided to meet the following minimum requirements during average busy season, busy hour:~~

~~A. Dial tone within three seconds on at least 98 percent of telephone calls. Dial tone delays of more than 2.6 percent of calls on a continuing basis indicates a need for investigative or corrective action.~~

~~B. Complete dialing of called numbers on at least 97 percent of telephone calls without encountering an all trunks busy condition within the central office.~~

8. **Minn. Rule 7810.5400-INTEROFFICE TRUNKS.** The MTA believes the vast majority of dedicated Interoffice Trunks have been eliminated in favor of Internet Protocol (IP) soft switches. At the same time, however, the MTA does not recommend any modification of Rule 7810.5400 because the underlying principle of insuring adequate connectivity between facilities remains valid.

9. **Minn. Rule 7810.5500-TRANSMISSION REQUIREMENTS.** The MTA does not recommend any modification of Rule 7810.5500.

10. **Minn. Rule 7810.5800-INTERRUPTIONS OF SERVICE.** The MTA recommends the Commission amend Rule 7810.5800 to reflect equal application to all telecommunications service provided that are subject to the Commission's jurisdiction because the underlying principles remain applicable and should apply to all telecommunications services provided that are subject to the Commission's jurisdiction. The MTA's recommended amendments to Rule 7810.5800 are as follows:

7810.5800 INTERRUPTIONS OF SERVICE.

~~Each telephone utility Every telecommunications provider shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility telecommunications provider shall reestablish service with the shortest possible delay. The minimum objective should be to clear 95 percent of all out-of-service troubles within 24 hours of the time such troubles are reported. In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each utility shall attempt to notify each affected customer in advance of the interruption. Emergency service shall be available, as required, for the duration of the interruption.~~

~~Every telephone utility~~ Each telecommunications provider shall inform the commission, as soon as possible, of any major catastrophe such as that caused by fire, flood, violent wind storms, or other acts of God which apparently will result in prolonged ~~and~~ or serious interruption of service to a large number of customers.

11. **Minn. Rule 7810.5900-CUSTOMER TROUBLE REPORTS.** The MTA recommends the Commission amend Rule 7810.5900 to adopt a state-wide objective for retail service of 6.5 or fewer trouble reports per 100 telephones. This standard is appropriate because the rationale for any level of service quality regulation has been eliminated by the dramatic change from the completely non-competitive market (in effect when the rule was adopted) to the current market (which features competition from both multiple wireline providers and wireless providers). Certainly, there is ample justification to eliminate outdated and detailed record keeping requirements which add costs without any benefits. The MTA's recommended amendments to Rule 7810.5900 are as follows:

7810.5900 CUSTOMER TROUBLE REPORTS.

~~Arrangements shall be made to receive customer trouble reports 24 hours daily and to clear trouble of an emergency nature at all hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.~~

~~Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date, and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the commission or its authorized representatives upon request at any time within the period prescribed for retention of such records.~~

~~It shall be the objective of all telecommunications providers to so maintain service so that the statewide average rate of all retail customer trouble reports in an exchange is no greater than 6.5 per 100 telephones per month. A customer trouble report rate of more than 8.0 per 100 telephones per month by repair bureau on a continuing basis indicates a need for investigative or corrective action.~~

12 **Minn. Rule 7810.6000-PROTECTIVE MEASURES.** The MTA recommends the Commission repeal Rule 7810.6000 because the investigation of accidents is outside of the

Commission's area of expertise. Further, the investigatory role described in the rule is now filled explicitly by other specialized agencies (e.g. OSHA), unlike the situation at the time the rule was adopted. Accordingly, the rule should be repealed in its entirety as follows:

7810.6000 PROTECTIVE MEASURES.

~~Each utility shall exercise reasonable care to reduce the hazards to which its employees, its customers, and the general public may be subjected. The utility shall give reasonable assistance to the commission in the investigation of the cause of accidents and in the determination of suitable means of preventing accidents.~~

13. **Minn. Rule 7810.6100-SAFETY PROGRAM.** The MTA does not recommend any modification of this rule.

III. CONCLUSION

The MTA supports the Commission's investigation and consideration of amendments to Minnesota Rules parts 7810.4100 through 7810.6100. The MTA also appreciates the opportunity to submit these Initial Comments and looks forward to further discussion and participation in this process.

Dated: December 4, 2014

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CERTIFICATE OF SERVICE

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

MPUC Docket No.: P999/R-14-413

Karen E. Berg certifies that on the 4th day of December, 2014, she filed a true and correct copy of the **December 4, 2014 Initial Comments of Minnesota Telecom Alliance**, by positing it on www.edockets.state.mn.us. Said document was served via U.S. Mail and/or e-mail as designated on the Official Service List on file with the Minnesota Public Utilities Commission and attached hereto.

/s/ Karen E. Berg
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