



**Jason D. Topp**  
Assistant General Counsel  
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July 8, 2021

Mr. Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
St. Paul, MN 55101

**Re: In the Matter of a Petition for a Rulemaking Regarding Minnesota Rules  
Chapter 7810  
Docket No. P-421/M-21-381**

Dear Mr. Seuffert:

Enclosed for filing are CenturyLink's Reply Comments regarding the above-referenced matter.

Very truly yours,

/s/ Jason D. Topp

JDT/bardm

Enclosure

cc: Service List

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

Katie Sieben	Chair
Valerie Means	Commissioner
Matthew Schuerger	Commissioner
Joseph K. Sullivan	Commissioner
John Tuma	Commissioner

**Re: In the Matter of a Petition for a Rulemaking Regarding Minnesota Rules  
Chapter 7810  
Docket No. P-421/M-21-381**

CERTIFICATE OF SERVICE

STATE OF MINNESOTA   )  
  ) ss  
COUNTY OF HENNEPIN   )

Dianne Barthel hereby certifies that on the 8th day of July, 2021, she e-filed a true and correct copy of the annexed filing by posting it on [www.edockets.state.mn.us](http://www.edockets.state.mn.us). Said document was also served on the service list via e-mail as designated with the Minnesota Public Utilities Commission.

/s/ Dianne Barthel \_\_\_\_\_  
Dianne Barthel

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Scott	Bohler	scott.bohler@ftr.com	Frontier Communications Corporation	2378 Wilshire Blvd  Mound, MN 55364-1652	Electronic Service	No	OFF_SL_21-381_Official Service List 21-381
Laura	Bordelon	lbordelon@mnchamber.com	Minnesota Chamber of Commerce	400 Robert St N Ste 1500  Saint Paul, MN 55101	Electronic Service	No	OFF_SL_21-381_Official Service List 21-381
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_21-381_Official Service List 21-381
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400  St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-381_Official Service List 21-381
Jeff S	Lacher	jlacher@cwa-union.org	Communications Workers of America	7600 Parklawn Ave Ste 412 Minneapolis, MN 55435	Electronic Service	No	OFF_SL_21-381_Official Service List 21-381
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_21-381_Official Service List 21-381
John	Reynolds	jreynolds@mnchamber.com	Minnesota Chamber of Commerce	400 Robert St N Ste 1500  Saint Paul, MN 55101	Electronic Service	No	OFF_SL_21-381_Official Service List 21-381
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350  Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-381_Official Service List 21-381
Eric	Swanson	eswanson@winthrop.com	Winthrop & Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_21-381_Official Service List 21-381
Jason	Topp	jason.topp@lumen.com	CenturyLink Communications, LLC	200 S 5th St Ste 2200  Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-381_Official Service List 21-381

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

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**IN THE MATTER OF A PETITION FOR A           MPUC Docket No. P-421/M-21-381  
RULEMAKING REGARDING MINNESOTA  
RULES CHAPTER 7810**

**CENTURYLINK’S REPLY COMMENTS**

**INTRODUCTION**

Comments filed by other parties demonstrate why certain of Minnesota’s telephone utility rules no longer serve the public interest and this rulemaking proceeding should move forward.

The Department of Commerce recognizes that “over recent years, there have been changes in the marketplace and in the technology delivering telecommunications.”<sup>1</sup> It also points out that some customers continue to rely on landline phone service for basic telecommunications needs.<sup>2</sup> CenturyLink does not dispute either of those contentions. However, Minnesota rules adopted four decades ago and that directly hamper the ability of telephone companies to repair or install broadband service due to requirements for voice services simply do not serve the needs of today’s consumer. Through this rulemaking, the Commission has the opportunity to significantly advance the ability of landline telephone providers to offer broadband, while still ensuring that Minnesota customers receive quality voice services.

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<sup>1</sup> Comments of the Minnesota Department of Commerce filed June 28, 2021 (“DOC Comments”), 1.

<sup>2</sup> DOC Comments, 1.

The OAG argues “the Commission does not ‘prioritize’ the Company’s landline service” and that “CenturyLink is free to invest whatever amount it wants into maintaining and improving its broadband service . . . .”<sup>3</sup> While at a theoretical level this statement might be true, it bears no relationship to the real world in which broadband service is highly competitive and where providers must use resources consistent with customer demand. In the real world, broadband providers who also provide traditional landline telephone service face outdated rules that require them to deploy resources disproportionately to traditional landline telephone service. The marketplace punishes providers that deploy resources in a manner inconsistent with customer demand, which is exactly what Minnesota’s decades old rules require “telephone utilities” to do. The Commission should reject the OAG’s suggestion that it ignore the real world in evaluating Minnesota’s telephone utility rules.

The CWA filed comments that have little to do with the rulemaking petition and the needs of Minnesota customers. Instead, CWA provides: (1) random pictures of isolated examples of telephone plants that its members are required to report to the company but have not,<sup>4</sup> (2) misleading workforce statistics that fail to take into account the company’s Prism launch that was served by CWA technicians in 2016,<sup>5</sup> and (3) inaccurate and misleading attacks on CenturyLink’s broadband investment that fail to account for the millions the company has invested throughout Minnesota to increase broadband availability.<sup>6</sup> Further, CWA falsely argues that CenturyLink seeks to “abandon those customers that still have to rely on its copper cables

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<sup>3</sup> Letter from Ian Dobson, Office of Attorney General filed June 28, 2021 (“OAG Comments”), 2.

<sup>4</sup> Comments of the Communications Workers of America filed June 28, 2021 (“CWA Comments”), 7-11.

<sup>5</sup> CWA Comments, 6.

<sup>6</sup> CWA Comments, 4-6. The Comments fail to account for Connect America Fund investment, in which Minnesota was one of the largest recipients of funding in the nation, albeit at 10/1 speeds and conduct a misleading analysis of CenturyLink’s broadband investment. While the scope of CenturyLink’s broadband investment is beyond the scope of this proceeding, CenturyLink has made strong investments throughout Minnesota to make broadband available.

without adequate or alternative wireline options.”<sup>7</sup> CenturyLink is not seeking to change its obligation to serve through this Petition nor could it. Rather, CenturyLink asserts that more reasonable telephone utility rules would result in more effective service to both Minnesota’s broadband and “copper cable” customers.

Frontier filed comments that confirm the precise point CenturyLink makes in its Petition. Metrics that attempt to require repair of out of service conditions within 24 hours 95% of the time have a significant negative impact on everything else a provider does—and most of that activity relates to broadband services. Eliminating that metric and allowing the customer to decide what service level it wants to pay for would resolve this issue with little adverse effect, as experience in neighboring states has demonstrated. Modifying the metric to a more reasonable standard is another approach that could carry significant benefits to Minnesota consumers.

The perspectives offered in these initial comments may differ in specifics but they all support CenturyLink’s contention that the marketplace and customer needs have dramatically changed over the last 40 years. Customers reliably convert more and more lines to alternative services each year. Providers cannot rely on retaining customers or recovering costs associated with rate of return era standards through traditional regulation and cost of service recovery, which no longer exist. Today’s customers focus far more on broadband service than on voice service. These changes mandate a review of Minnesota telephone utility standards. CenturyLink respectfully requests that the Commission move forward with a rulemaking.

## **DISCUSSION**

The Commission’s notice for comments invited discussion on a number of questions. These reply comments will respond to comments on those specific issues.

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<sup>7</sup> CWA Comments, 3.

**Is a rulemaking necessary to address CenturyLink’s concerns? Describe alternatives that can possibly address the Company’s concerns without the need for rulemaking.**

All commenters are unanimous that a rulemaking is the most appropriate way to address CenturyLink’s concerns.<sup>8</sup>

**How does CenturyLink’s petition comport with Minn. Administrative Rules, specifically Parts 1400.2040 and 1400.2500 relating to the language of the requested rule changes or repeals proposed by the Company?**

All parties agree that the Petition complies with these requirements.

**What should be the scope of any rulemaking proceeding related to Minn. Rules Ch. 7810?**

Commenters made varied proposals ranging from a proceeding focused on the rules specifically mentioned in the Petition<sup>9</sup> to a complete review of all service quality rules (Minn. R. 7810.5200-7810.6100)<sup>10</sup> to a review of all the rules in Chapter 7810.<sup>11</sup> CenturyLink believes speed is important in this proceeding and prefers a rulemaking focused on Minn. R. 7810.5200 and 7810.5800. However, if the Commission desires a more wide-ranging proceeding, a rulemaking focused on Rules 7810.5200-6100 would be appropriate.

**What procedures should the Commission establish for any rulemaking proceeding?**

Proposals ranged from asking for additional comments on proposed rules, to appointing a task force, to serving CenturyLink with reams of discovery. CenturyLink supports the Commission inviting parties to file proposed rule modifications (as an alternative to elimination), along with evidence supporting the proposed rules, with reply comments due a month or two later. It is clear that viewpoints diverge greatly in this proceeding. The Commission attempted a

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<sup>8</sup> DOC Comments, 2; OAG Comments, 1-3; CWA Comments, 12.

<sup>9</sup> Comments of Frontier Communications of Minnesota, Inc. and Citizens Telecommunications Company of Minnesota, LLC, dated June 28, 2021 (“Frontier Comments”), 2.

<sup>10</sup> OAG Comments, 3.

<sup>11</sup> DOC Comments, 3.

task force approach in 2014 and the parties could not reach agreement. Agreement appears unlikely today. Proposals from the parties would provide the best opportunity to drill down on the specific issues that need to be addressed and to review options for resolving them.

**What additional information and analysis should the Commission seek if it considers proceeding with a rulemaking?**

The Commission should invite parties to submit proposed modifications to its rules, if they disagree with simple repeal, and provide evidence demonstrating why such changes are in the public interest. At that point, it can evaluate the record and decide how to proceed.

**Should the Commission approve or deny CenturyLink's petition for rulemaking?**

For the reasons set forth in CenturyLink's Petition, the Commission should move forward after receiving comments.

**CONCLUSION**

Comments from the public as well as the parties confirm that the marketplace has changed and that the public interest encompasses both broadband and voice service. Current Commission service quality rules must be updated to reflect those priorities. CenturyLink respectfully requests that the Commission invite parties to submit proposed rules and evidence supporting the need for change. At that point, it should proceed with a rulemaking.

Dated this 8th day of July, 2021.

QWEST CORPORATION DBA  
CENTURYLINK QC

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