



85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
mn.gov/commerce/
651.539.1500 FAX 651.539.1547
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February 24, 2014

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

**RE: In the Matter of the Minnesota Independent Coalition's (MIC's) Petition for Removal of
Specific Script Requirement for Local Exchange Carriers Other than Qwest Corporation
dba CenturyLink QC per Commission Order in Docket 96-482
Docket No. P999/CI-14-33**

Dear Dr. Haar:

Attached are the Comments of the Minnesota Department of Commerce in the above-referenced docket. The Department recommends that the Commission grant MIC's petition for relief from the equal access scripting requirements set forth by the Commission in Docket No. P999/CI-96-482.

The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ KATHERINE DOHERTY
Rates Analyst

KD/ja
Attachment



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE MINNESOTA DEPARTMENT OF COMMERCE

DOCKET No. P999/CI-14-33

I. PROCEDURAL BACKGROUND

On January 9, 2014, the Minnesota Independent Coalition (MIC)¹ filed a petition with the Minnesota Public Utilities Commission (Commission) requesting removal of the requirement set forth in the Commission's February 7, 1997 *Order Establishing Business Practices for IntraLATA Presubscription for Local Exchange Carriers Other than US West*, in Docket No. P999/CI-96-482. The MIC noted that the FCC had removed its similar interLATA scripting requirement for non-Bell Operating Company (BOC) local exchange carriers, and asked that the Commission similarly alter its prior order requirements.

On January 15, 2014, the Commission issued a notice soliciting comments on the request by February 14, 2014, and reply comments by February 28, 2014.

On February 13, 2014 comments were filed by Frontier Communications of Minnesota, Inc. and Citizens Telecommunications of Minnesota, LLC in support of the petition.

On February 20, 2014, the Commission extended the initial comment period, at the request of the Department of Commerce, to February 24, 2014. Reply comments are due March 6, 2014.

II. HISTORICAL BACKGROUND

On January 12, 1996, in Docket P999/CI-87-697, the Commission issued its *Order Establishing US West Business Practices for intraLATA Presubscription*, which set forth scripting

¹ According to its petition, MIC is comprised of a group of approximately 75 local exchange carriers providing service in Rural Minnesota.

requirements for US West [nka Qwest Corporation dba CenturyLink (Qwest)] with respect to intraLATA toll service.

On February 7, 1997, in its *Order Establishing Business Practices for IntraLATA Presubscription for Local Exchange Carriers Other than US West*, in Docket No. P999/CI-96-482, the Commission, acknowledging a need to ensure that other carriers give their customers competitively neutral information about intraLATA toll options, extended the scripting requirements to all other local exchange carriers in Minnesota. In conjunction with the specific scripting requirements, the Commission required local exchange carriers to provide to customers, upon request, a list of all available intraLATA toll providers, scrambled at least monthly. In addition, the Commission prohibited carriers from rewarding any member of its customer service staff because any customer selected a particular intraLATA carrier, and required that new customers be assigned no intraLATA primary interexchange carrier (PIC) if the customer declined to make a choice, rather than defaulting either to the interLATA PIC or to the local exchange carrier's intrastate toll service.

On August 31, 2007 the Federal Communications Commission (FCC) issued an Order² granting a request by AT&T, Inc. to forbear from application of the Equal Access (EA) Scripting Requirement established in 1987 following divestiture, which required incumbent LECs to inform customers that they may obtain stand-alone interLATA long distance service from other carriers, and to read the customers a list of available carriers upon request. The FCC found that "the [EA scripting] requirement was "no longer justified as applied to AT&T, Qwest, and Verizon, given the marketplace changes that have occurred since the requirement's adoption and the requirement's relative costs and benefits."³

The FCC declined, at that time, to broaden its grant of forbearance to all local exchange carriers, noting the potential for significant differences in competitive circumstances and the lack of record with regard to non-BOC-affiliates, independent incumbent LECs.

On July 24, 2008, the Commission issued an Order granting Qwest relief from the specific scripting requirements set forth in the Commission's January 12, 1996 Order in Docket P999/CI-96-482, regarding intraLATA presubscription. The Commission took no action with respect to other local exchange carriers at that time.

² In the Matter of the Petition of AT&T, Inc. for Forbearance Under 47 U.S.C. § 160 (c) with Regard to Certain Dominant Carrier Regulations for In-Region, Interexchange Services, *Report and Order and Memorandum Opinion and Order*, August 31, 2007.

³ Id.

On May 17, 2013, the FCC issued an order granting forbearance from the interLATA EA scripting requirement⁴ to all other [(non- Bell Operating Company (BOC)] incumbent local exchange carriers. The FCC reasoned that 1) the market has changed dramatically in the more than 25 years since the requirement was established; 2) consumers can obtain information about long distance calling options in a variety of ways that did not exist at the time the FCC established the scripting requirements, and 3) the EA scripting requirement does not reflect options available to consumers other than standalone long distance service. The required scripting does not advise consumers of other available options, such as bundled offerings and VoIP service, among others.

III. DEPARTMENT COMMENTS

The Department agrees with MIC and the FCC that the market for long distance service has changed dramatically since the Commission issued Orders implementing EA intraLATA scripting, and that such scripting may no longer serve to ensure that consumers are aware of the alternatives available to them.

Perhaps more importantly, requiring company representatives to follow a specific script with respect to customers' choice of intraLATA toll provider, while not doing so with respect to customers' interLATA toll provider, at best, makes no sense, and would serve only to create additional confusion for consumers. At worst, retaining such a requirement could leave customers with the impression that while a choice is available with respect to an intraLATA toll provider, there is no such choice available with respect to interLATA toll.

The Department recommends therefore that consistent with the Department's recommendation and the Commission's determination in Docket No. P421/AM-08-418 with respect to Qwest, and consistent with the FCC's determination with respect to interLATA toll scripting requirements, the Commission should relieve all other local exchange carriers of the intraLATA EA scripting requirement.

IV. COMMISSION ALTERNATIVES

- A. Grant relief from the equal access intraLATA scripting requirements established in Docket No. P999/CI-96-482 to all local exchange carriers other than Qwest.

⁴ In the Matter of the Petition of US Telecom for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain Legacy Telecommunications Regulations, WC Docket No. 12-61 et al, *Memorandum Opinion and Order and Report and Order and Further Notice of Proposed Rulemaking and Second Further Notice of Proposed Rulemaking*, May 17, 2013.

- B. Do not eliminate the equal access scripting requirements established in Docket No. P999/CI-96-482 for local exchange carriers other than Qwest.

IV. DEPARTMENT RECOMMENDATION

The Department recommends Alternative A. The Commission should grant the relief requested by the Minnesota Independent Coalition from the equal access intraLATA scripting requirements established in Docket No. P999/CI-96-482 to all local exchange carriers other than Qwest.

/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
Comments

Docket No. P999/CI-14-33

Dated this **24th** day of **February 2014**

/s/Sharon Ferguson

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_14-33_Official Service List 14-33
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_14-33_Official Service List 14-33
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_14-33_Official Service List 14-33
Patrick	Holton	pholton@olsen-thielen.com	Olsen Thielen & Company	2675 Long Lake Road St. Paul, MN 55113	Electronic Service	No	OFF_SL_14-33_Official Service List 14-33
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_14-33_Official Service List 14-33