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April 17, 2020

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

**Re: In the Matter of Local Service Providers' Filings Under Minnesota Rules
7812.0600 and 7811.0600
Docket No. P-9999/CI-20-359**

Dear Mr. Seuffert:

Enclosed for filing are CenturyLink's 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
John Tuma	Commissioner

**Re: In the Matter of Local Service Providers' Filings Under Minnesota Rules
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CERTIFICATE OF SERVICE

Dianne Barthel hereby certifies that on the 17th day of April, 2020, she e-filed a true and correct copy of CenturyLink's Comments by posting it on 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
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_20-359_Official
Brent	Christensen	bchristensen@mnta.org	Minnesota Telecom Alliance	1000 Westgate Drive, Ste 252 St. Paul, MN 55117	Electronic Service	No	OFF_SL_20-359_Official
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_20-359_Official
Shannon	Heim	shannon.heim@lawmoss.com	Moss & Barnett A Professional Association	150 S. 5th Street, Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-359_Official
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_20-359_Official
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-359_Official
Jason	Topp	jason.topp@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-359_Official

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

Katie Sieben	Chair
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**In the Matter of Local Service Providers’ Filings Docket No. P-9999/CI-20-359
Under Minnesota Rules 7812.0600 and 7811.0600**

CENTURYLINK’S COMMENTS

This proceeding arises in part because of CenturyLink’s desire to eliminate redundant services offered by an affiliate, Broadwing Communications, LLC (“Broadwing”), that currently serves one wholesale and eleven retail customers, as a CLEC, in Minnesota.¹ This proceeding should be very straightforward, and in most states, it is. CenturyLink has other affiliates ready to provide service to these customers. Ample other providers also can offer services. The customers are business customers with ample sophistication to adjust. Yet, in Minnesota, such an effort takes a minimum of three months and often much longer.

This delay is unnecessary because of the extensive federal requirements that exist in order to discontinue services. 47 C.F.R. § 63.71 requires written notice to customers; the notice must include certain language which informs the customer that he or she may file comments with the FCC. Applications are filed with the FCC, a docket number is assigned, and the FCC releases a Public Notice which announces the deadline for comments along with a brief description of the request as well as a proposed effective date. If no comments (or valid objections) are filed, the application is deemed automatically approved on the effective date

¹ Broadwing has one wholesale customer in Minnesota, purchasing ISDN-PRI and eleven retail customers purchasing ISDN-PRI or business lines.

listed in the Public Notice. Thus, for CenturyLink's disconnection of Broadwing, the initial letter was sent to customers in July 2019. An official notice was sent on October 30, 2019. That letter was withdrawn to make changes in the affected services. An official notice was mailed to customers on January 22, 2020 that included the following language:

The following statement is required by the FCC:

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of Broadwing Communications, LLC. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

After the notice, CenturyLink used a vendor to contact each affected customer to make the transition to alternate services. Due to the COVID-19 emergency, CenturyLink has temporarily suspended this process but will explore restarting the process of discontinuing these services in May.

Minnesota procedures largely duplicate Federal procedures. Surprisingly, most of the difficulty associated with discontinued services in Minnesota relates to services to business customers. Typically, in a proceeding involving the discontinuation of such services, Commission and agency practice has been to make sure each individual customer has made arrangements for alternative services.² This approach drastically slows down a provider's ability

² See, e.g., *In the Matter of Digital Telecommunications Inc.'s Application to Discontinue Services, Application for Variance, and Request for Expedited Handling*, Order Deferring Discontinuance of Service, and Requiring Further Reporting, Docket P-5681/RL-10-1198 (Jan. 11, 2011).

to make adjustments to its product mix, encourages customers to act slowly in making alternative arrangements and provides little or no benefit to Minnesota consumers.

Telecommunications is a rapidly evolving business. Increasingly, customers are using internet-based services for voice and video communication. Wireless has replaced wireline as the primary vehicle for voice calling in the state. Voice communication has gone from being the primary purpose of the communications network to one feature on a broadband network largely included among an array of broadband services customers use for accessing the internet and other data-based services.

Service providers need to adapt to such changes. Obsolete services need to be replaced with services that better meet customer need. Companies that have not adapted rapidly enough or do not have the infrastructure to offer the services customers want, need to exit the business. Companies need to restructure in order to serve customers as efficiently as possible.

Minnesota is one of the most difficult states in the nation to accomplish these changes, even though the typical case in which a provider plans to discontinue the offering of products or services involves business, rather than residential, customers. Discontinuing individual services is difficult and, at least with business customers, should be straightforward. Business customers have many options for obtaining alternative services. Instead, the process has been held up by a requirement that CenturyLink send out notices with a list of alternative providers to customers – information business customers in particular should be well positioned to search with a simple Google search if nothing else. Furthermore, providers are required to obtain federal approval before discontinuing service, making state processes redundant.

While it may be appropriate to have certain regulatory processes for the elimination of services to residential customers, the need for protracted proceedings in order to change product

mix or to eliminate services to business customers should be straightforward. The current process – at least as it is implemented - serves to slow down innovation, impose a financial burden on providers acting in a highly competitive environment and arguably is designed to provide protection to business customers that are fully capable of adapting to the changes that take place.

The Commission’s focus should be on making sure customers have notice of upcoming changes. As long as customers have notice, they should be fully capable of adapting to future needs. No further proceedings or approvals should be needed. This approach could be accomplished by a simple notice to the Commission that identifies the services to be discontinued, describes the notice provided to customers and sets forth a disconnection date should a customer not migrate to another service or an alternative provider. The requirements should be crystal clear so that the company making the filing should be able to plan with confidence and clearly comply with Commission requirements.

The current process, at least as implemented, has the opposite effect. Generally, a company seeking to discontinue services winds up, either directly or indirectly, ensuring that each customer has affirmatively transferred to another provider. Business customers do not need such extensive protection.

TOPICS FOR COMMENT

1. What rules, statutes, or other legal authority govern the filings assigned to Dockets 20-259, 20-354, and similar future filings?

The Department has identified the rules below as relevant to these dockets. CenturyLink would support modifications to streamline antiquated portions of these rules – including notice requirements and obligation to serve (particularly business customers). CenturyLink

recommends that the Commission make modifications to these requirements, particularly for business customers.

Minn. R. 7812.0600, subpart 1 (Local Service Requirements):

A local service provider (LSP) shall provide, as part of its local service offering, the following to all customers within its service area:

- A. Single party voice-grade service and touch-tone capability;

Minn. 7812.0600, subpart 6 (Limitation on exit):

An LSP [Local Service Provider] shall not withdraw from a service area unless another LSP certified for that area will be able to provide basic local service to the exiting local service provider's customers immediately upon the date the exiting provider discontinues service. An LSP shall not withdraw from its service area until at least 60 days after it has given written notice to the commission, department, Office of Attorney General-Residential Utilities Division (OAG-RUD), and its customers. The notice must identify the other LSPs available to its customers.

Minn. R. 7829.3200 (Other Variances):

Subpart 1. When granted. The commission shall grant a variance to its rules when it determines that the following requirements are met:

- A. enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
- B. granting the variance would not adversely affect the public interest; and
- C. granting the variance would not conflict with standards imposed by law.

Subp. 2. Conditions. A variance may be granted contingent upon compliance with conditions imposed by the commission.

Subp. 3. Duration. Unless the commission orders otherwise, variances automatically expire in one year. They may be revoked sooner due to changes in circumstances or due to failure to comply with requirements imposed as a condition of receiving a variance.

2. Should additional customer notice requirements be imposed as a condition of discontinuing certain tariffed services? Why or why not?

The notice that is submitted to the FCC in compliance with a Section 214 discontinuance is sufficient. It includes an identification of the product being discontinued, action required by the customer and the date of the planned discontinuance. The additional customer notice

requirements currently required by the Minnesota Commission should not be required. The current requirements are excessive, needlessly burdensome and provide little benefit to the customer. There is no useful purpose for requiring a notice to business customers to identify alternative service providers. Such a list is unlikely to be complete or meaningful given that many alternative providers offer services not regulated by the Commission (e.g., wireless and Charter VOIP services) using facilities that need not be disclosed to the public. CenturyLink believes such a list provides little benefit even to residential customers for the same reasons.

3. Should a condition or process be imposed which may require the local service provider to continue service until all or certain customers have selected a new LSP? Is this condition required by statute or rule, and if not, what are the policy arguments for and against imposing such a condition?

This policy has been the actual practice of the Commission for several years and thwarts the ability of regulated providers to adjust to the marketplace, limit losses from nonpaying wholesale customers and encourages customers to delay making required changes and avoid paying bills while this process plays out. At times, there are customers that simply do not return phone calls, despite numerous outreach attempts. Requiring a provider to continue to serve a customer that refuses to cooperate in a migration or service transition effectively forces a provider to continue to provide an outdated product or service.

CenturyLink believes that both customers and providers would be better served by actually terminating services after adequate notice as is contemplated in current rules, particularly when it is applied to business customers. Such an approach ensures ample opportunity for customers to migrate or transition and in the long term will allow providers to offer products in a more nimble fashion and better serve the state.

4. Should the Commission make any clarifications related to timelines, scheduling, or other practical considerations for the consistent processing of such filings? Are any compliance filings needed?

The Commission should not review applications for discontinuance. Instead, it should simply require companies to file a notice that describes their Federal 214 filing and provide a copy of the notice they are sending to customers. That notice should not be required to include a list of available local service providers. If the customer notice is adequate and complies with FCC requirements, the Commission should allow the discontinuance to proceed without additional proceedings. Under current rules, the process takes a minimum of three months – one month for customer notices to be sent out with bills and then two months to ensure customers have received 60 days of notice. Commission proceedings simply delay what should be an ample time-period for customers to make alternative arrangements. The burden and delay imposed by requiring compliance filings would create a disincentive for providers to terminate antiquated services.

5. Are there other issues or concerns related to this matter?

It would be useful to have members of the industry and state agencies work together to create a simple and appropriate process for these discontinuances. CenturyLink suggests the Commission should provide general guidance as to what it would like to see for customer notice and process before disconnection based on the FCC's 214 process filings and then have the parties propose a procedure for general adoption—either through amendments to the current rules, a variance from the current rules and practices or a set of processes implementing the current rules.

In the meantime, CenturyLink's pending disconnection of Broadwing services should be approved.

Dated this 17th day of April, 2020.

CENTURYLINK

/s/ Jason D. Topp
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