



# STATE OF MINNESOTA

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February 6, 2017

Mr. Daniel P. Wolf  
Executive Secretary  
Minnesota Public Utilities Commission  
350 Metro Square Building  
121 Seventh Place East  
St. Paul, MN 55101

Re: Qwest Corporation d/b/a CenturyLink QC's Petition to be Regulated Pursuant to Minn. Stat. § 237.025: Competitive Market Regulation  
Docket No. P421/AM-16-496

## **Comments of the Minnesota Department of Commerce**

Dear Mr. Wolf:

On December 21, 2016, the Commission heard the above-referenced matter, and on January 27, 2017, issued its "Order Finding Petition Complete, Requiring Notice and Setting Process Schedule" (January 27 Order). The January 27 Order at 4 stated in relevant part:

The Commission will also direct CenturyLink to notify its customers of its petition to be regulated under Minn. Stat. § 237.025. This furthers the goal of ensuring that CenturyLink's customers will receive information on how to contact the Commission with any input on the petition.

- ...
3. CenturyLink shall issue a notice to its customers informing them of its petition to be regulated pursuant to Minn. Stat. § 237.025.
  4. The Commission delegates to the Executive Secretary the authority to determine the form and content of the customer notice.

On February 3, 2014, CenturyLink informed the Department that CenturyLink had, without notice to the Parties to the docket, "worked with commission staff on the content of the notice and ... sent it out with customer bills," and was "not exactly sure of the time cycle for the customer notices."

Later on February 3, 2017, CenturyLink informed the Department that, without use of e-filing or other notice to the parties to the docket, on January 6, 2017, CenturyLink had communicated with the Commission, sent the Commission a proposed notice, and that a customer notice had been approved by the Commission on January 13, 2017, as follows (emphasis added):

CenturyLink has asked the Minnesota Public Utilities Commission to be regulated similar to other competitive telephone companies. State law requires the Commission to approve the application for exchange areas where CenturyLink can show it serves less than 50 percent of the households in the exchange area and where at least 60 percent of the households in the exchange area can choose telephone service from another company. If the Commission approves the application, CenturyLink may raise its local service rates by a maximum of \$2.00 per month after January 1, 2018, and by an additional \$2.00 per month after January 1, 2023. Approval of CenturyLink's application will not change its obligation to meet service quality standards or to provide customers with notice of rate increases. Customers would still be able to file complaints with the Commission. The Commission will likely make its decision about CenturyLink's request by May 2017.

This notice is inaccurate and consumers will not understand it because the notice, in part, quotes the statute, rather than describing the new law in plain language.<sup>1</sup> The ability of consumers to provide appropriate input requires that consumers receive accurate information in clear language. Specifically, contrary to the text of the notice, after January 1, 2018, CenturyLink can increase rates *every year* by \$2. Year after year, there can be an increase until basic rates hit \$25. The notice implies that the "maximum" is a \$2 increase on January 1, 2018 and then no further increase until January 1, 2023, for a \$4 total increase during the next six years. In fact, under the law, monthly charges can rise to \$25 by 2023, and increase in further \$2 increments *every year thereafter*. This is a very substantial change from the way in which CenturyLink rates have been set for decades.

Further, the use of the word "other" as highlighted above suggests that CenturyLink has already been deemed to be a "competitive" telephone company.

These concerns could have been addressed as suggested by the OAG in its letter to the Commission filed on February 3, 2017, if there had been some level of transparency in CenturyLink's *ex parte* email submission of the proposed notice, such as by use of the Commission's edocket system, to ensure that interested parties received the proposal.

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<sup>1</sup> Executive Order 14-07, "Implementing Plain Language in the Executive Branch" (March 4, 2014) (publ. at <http://mn.gov/gov-stat/images/EO-14-07.pdf>) requires executive branch agencies to communicate with Minnesotans using Plain Language. Exec. Order 14-07 describes Plain Language as communication that "an audience can understand the first time they read or hear it," in which the writer:

- Uses language commonly understood by the public;
- Writes in short and complete sentences;
- Presents information in a format that is easy-to-find and easy-to-understand; and
- Clearly states directions and deadlines to the audience.

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The Department suggests that the Commission require the notice to be revised, and agrees with the OAG that a modification of the due date for public comment is appropriate. The Department provides the attached proposed revised notice to address concerns with the text CenturyLink provides to subscribers.

Sincerely,

**s/ Linda S. Jensen**

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Linda S. Jensen  
Atty. Reg. No. 0189030

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Attorney for Minnesota  
Department of Commerce

Enclosure  
cc: Service List

## Customer Notice

CenturyLink has asked the Minnesota Public Utilities Commission to be subject to reduced regulation where there is competition. State law requires the Commission to approve the application where CenturyLink can show it serves less than 50 percent of the households and in areas where at least 60 percent of the households can choose telephone service from another company.

If the Commission approves the application, beginning January 1, 2018 CenturyLink may raise its monthly basic local service rates by \$2.00 each year. Through 2022, basic local service rates are not to exceed \$25. Taxes, fees, and other services also apply. Beginning January 1, 2023, CenturyLink may raise its monthly basic local service rates by \$2.00 each year without any price ceiling.

Approval of CenturyLink's application will not change its obligation to meet service quality standards or to provide customers with notice of rate increases. Customers would still be able to file complaints with the Commission. The Commission will likely make its decision about CenturyLink's request by May 2017.

The Commission invites written comments about CenturyLink's request.

**Comment Period**      Comments accepted through March 31, 2017 at 4:30pm.

**Online**      Visit [mn.gov/puc](http://mn.gov/puc), select *Speak Up!*, find this docket (16-496), and add your comments to the discussion.

**U.S. Mail**      Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
St. Paul MN 55101

If you have questions you can call CenturyLink at nnn-nxx-xxx or the Commission at 651-296-0406 (or 1-800-657-3782).

**AFFIDAVIT OF SERVICE**

**Re: In the Matter of the Petition of CenturyLink QC to be Regulated Pursuant to  
Minn. Stat. § 237.025, Competitive Market Regulation  
MPUC Docket No. P-421/AM-16-496**

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF RAMSEY    )

I, Annabel Foster Renner, hereby state that on February 6, 2017, I filed by electronic eDockets the attached **Comments of the Department of Commerce Comments** and eServed or sent by US Mail, as noted, to all parties on the attached service list.

See attached service list.

/s/ Annabel Foster Renner  
ANNABEL FOSTER RENNER

Subscribed and sworn to before me on  
this February 6, 2017.

/s/ Jean Anne Gates  
Notary Public – Minnesota  
My Commission Expires January 31, 2020.

## SERVICE LIST

### Electronic Service Member(s)

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Bertsch	John	Augeo Communications, LLC	2561 Territorial Road, St. Paul, MN-55114	Paper Service	No
Birkholz	Mark	Mainstreet Communications, LLC	150 Second St. SW, Perham, MN-56573	Paper Service	No
Brown	Johnny	Gazelle Link, LLC	1450 Boyson Road, Bldg. C 3-A, Hiawatha, IA-52233	Paper Service	No
Department	Legal	New Cingular Wireless PCS, LLC(PARTY)	208 S. Akard Street, Room 3135, Dallas, TX-75202	Paper Service	No
Financial Analysis	Director	New Cingular Wireless PCS, LLC(PARTY)	1 AT&T Way, Room 4A105, Bedminster, NJ-07921	Paper Service	No
Gertsburg	Alexander E	Broadvox-CLEC, LLC	75 Erieview Plaza Ste 400, Cleveland, OH-44114	Paper Service	No
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Herman	Randall J.	Access Communications Technologies	5005 Cheshire Pkwy N Ste 1, Plymouth, MN-55446	Paper Service	No
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Lienau	James W.	New-Cell, Inc.	PO Box 19079, 450 Security Blvd., Green Bay, WI-543079079	Paper Service	No
Medlin	Karin	Sprint Spectrum L.P.	6360 Sprint Parkway, Mail Stop: KSOPHE0102-1D412, Overland Park, KS-66251	Paper Service	No
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