

STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Response to REQUEST FOR COMMENTS Re: P-999/R-13-459
Possible Amendments to Rules Concerning White Pages Directory Publication
and Distribution

Comments of Pinnacle Publishing, LLC

Background

Pinnacle Publishing, LLC is a telephone directory publisher headquartered in Bemidji, MN. We publish 252 directories in 35 states. We publish exclusively on behalf of local telephone companies, primarily in rural areas. All of our current publications are bound containing both residential white pages and yellow pages.

Although, we recognize that the market has changed significantly since the directory distribution rules were adopted and that consumers are more frequently turning to electronic search options to find listings, we can attest to the fact that small businesses in rural Minnesota continue to rely heavily on being found in both print and electronic formats. In fact, many small businesses that have only a wireless line, such as contractors and landscapers, frequently request to be included in our print and electronic directories. All of Pinnacle's directories are fully recyclable and most all are produced with recycled and post-consumer paper products.

Market forces have already dictated an erosion of print directory revenues and a demand for electronic options. Pinnacle is currently in the process of transforming our business model to more closely align with the changing demands. We currently offer a robust electronic version of all of our customer's listings at www.localsolution.com.

We appreciate the opportunity to submit comments in response to the Commission's Notice and Request for Comments.

Specific Commission Questions

1. Should the Commission establish by rule whether electronically published directories should be accessible to the public or to a limited class of persons such as customers? If so, what should the Commission require? The working draft leaves this determination to each local service provider.

Response of Pinnacle:

The Commission should not require that an electronic directory be made available to the public or to a limited class of persons such as customers. This should be an option for all local service providers.

2. Should the Commission establish by rule the “default” format of directories (that is, the format of directories provided to customers who do not notify their local service provider of their preference)? If so, what should the Commission require? The working draft leaves the format determination to each local service provider for customers that do not specify a preferred format.

Response of Pinnacle:

The Commission should not establish by rule the default format of directories. This should be left as a choice for each local service provider to determine.

The Commission should also not require each local service provider to poll their customers annually as to their preference for the following reasons:

- a. It would be burdensome to the local service providers to maintain,
- b. Pinnacle is a member of Local Search Association, a national publishers association and as a group, we already have a national Opt-Out website where consumers can request their individual preferences to receive or not receive the directories that are distributed in their area, and to the best of our ability we maintain a list of these requests and comply as requested.

www.yellowpagesoptout.com

Pinnacle does not support an Opt-In only option for the distribution of directories for the following reasons:

- a. The publication and distribution of telephone directories is protected under the First Amendment according to the Federal 9th Circuit Court of Appeals in the case of *DEX Media West, Inc. vs. City of Seattle*.
- b. A great majority of directories are distributed by US Postal Service bulk mail, which does not allow for selective delivery. Mandating selective delivery would be overly cost prohibitive.
- c. In some cases we depend upon hand delivery methods, which also would not allow selective delivery.

3. Should the Commission’s rule distinguish between Business and Residential customers, either by requiring different default directory formats or by permitting local service providers to provide Business and Residential listings in different formats? The working draft leaves the default format determinations to each local service provider, and allows local service providers to publish some listings electronically and others in print, if a customer does not specify a preferred format.

Response of Pinnacle:

Pinnacle agrees with the Commission's recommendations to leave the format determination up to the local service provider.

Advisory Committee

Pinnacle would support the creation of an advisory committee regarding the possible amendments, and would be happy to serve on such committee.

Dated: December 6, 2013

Respectfully submitted,

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