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January 22, 2014

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

RE: Comments of the Minnesota Department of Commerce in the Matter of the Charter Fiberlink CC VIII, LLC Complaint against Capitol Infrastructure, LLC d/b/a Connexion Technologies; Broadstar, LLC d/b/a Primecast; Mobile Estates, LLC, and Riverstone Communities, LLC
Docket No. P5615/C-11-213

Dear Dr. Haar:

I. BACKGROUND

On March 15, 2011, Charter Fiberlink CC VIII (Charter) filed a Complaint against Capitol Infrastructure, LLC d/b/a Connexion Technologies (Connexion); Broadstar, LLC d/b/a Primecast (Primecast); Mobile Estates, LLC, and Riverstone Communities, LLC (collectively Respondents).

On April 20, 2011, the Commission issued its Order Requiring Answer and Granting Variance in the current Docket.

On May 2, 2011, Charter filed a Motion to Compel Discovery in the current Docket.

On May 10, 2011 the respondents filed their Answers to the Complaint.

On May 11, 2011, Connexion filed a request for a 30 day stay of the procedural schedule and discovery in the current Docket. On the same day, the Commission issued a Notice Soliciting Comments.

On May 24, 2011, the Commission issued a Notice Regarding Request for Stay and Procedural Matters wherein the Commission amended the schedule to provide “a period of time for the parties to pursue a settlement, and simultaneously proceed by requiring comments, and replies, to be filed” ... with “Parties submit[ting] comments on the complaint and answers by Friday, June 24, 2011.” The Notice directed that the Parties include responses to a list of 22 questions.

On June 16, 2011, Charter and Connexion jointly filed a Request for an extension of the stay for an additional 30 days to allow the parties additional time to reach a settlement.

On June 21, 2011, the Minnesota Department of Commerce (Department) filed Comments on the June 16, 2011 request for extension of the stay in which the Department stated that it had no objection to Commission granting an extension to enable the parties to work toward a settlement agreement, but stressed the importance of the parties responding to the outstanding Information Requests.

On June 21, 2011, the Commission issued a Notice extending the comment period in the current Docket.

On July 21, 2011, Charter filed a letter indicating that the parties had reached a settlement in the current matter and requested withdrawal of the Complaint. The July 21, 2011 filing did not include a copy of the settlement agreement.

On July 27, 2011, Midcontinent Communications filed comments stating that the issues before the Commission affect many providers of service throughout the State and recommending that the Commission should continue its review of the issues raised in the complaint.

On August 1, 2011, the Department filed comments recommending that the Department be given the opportunity to complete its investigation.

On August 8, 2011, Connexion filed reply comments recommending withdrawal of the complaint and offering to meet with the Department to respond to the Department's questions. Connexion included a copy of the settlement agreement with its reply comments.

On January 26, 2012, Midcontinent Communications filed comments withdrawing from the matter and recommending that the Commission terminate the proceeding and close the docket.

II. DEPARTMENT COMMENTS

On or about June 14, 2012, a U.S. bankruptcy judge in Delaware approved the sale of almost all of the telecommunication assets of Connexion. Soon thereafter, Connexion, its parent company Capitol Broadband, LLC, and other affiliates began shutting down their operations. The Department understands that Connexion no longer provides telecommunications services in Minnesota.

The two Minnesota locations, which were previously served by Connexion, and are the subject of the current complaint, are located in the Duluth and Rochester exchanges. The Duluth and Rochester exchanges are part of the service area of Qwest Corporation d/b/a CenturyLink (CenturyLink). The Department contacted CenturyLink to inquire whether CenturyLink knew of any difficulties faced by Connexion customers in obtaining telecommunications services from other providers. CenturyLink stated that it was not aware that Connexion customers in Rochester and Duluth had encountered any difficulties in switching to alternative carriers when Connexion ceased operations in the year 2012.

The Department does not believe that further investigation is warranted in the current Docket. The Department, therefore, recommends that the Commission terminate the current proceeding and close the Docket.

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

Sincerely,

/s/ DIANE DIETZ
Rate Analyst

DD/lt
Attachment

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. P5615/C-11-213

Dated this 22nd day of **January 2014**

/s/Sharon Ferguson

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