



Jason D. Topp
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September 30, 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 the Application of CenturyLink for Expedited Approval to
Discontinue Physical Connection with KTF Telcom Inc.
Docket No. P-6312, 421/IC-20-522

Dear Mr. Seuffert:

Enclosed for filing are CenturyLink's Comments regarding the above-referenced matter.

Very truly yours,

/s/ Jason D. Topp

Jason D. Topp

JDT/bardm

Enclosures

cc: Service List

200 South 5th Street, Room 2200
Minneapolis, MN 55402

www.centurylink.com

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

Katie Sieben	Chair
Valerie Means	Commissioner
Matt Schuerger	Commissioner
Joseph K. Sullivan	Commissioner
John Tuma	Commissioner

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CERTIFICATE OF SERVICE

Dianne Barthel hereby certifies that on the 30th day of September, 2020, she e-filed a true and correct copy of the annexed filing 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_20-522_IC-20-522
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_20-522_IC-20-522
Adam	King	dialupmaster@youbetnet.net	KTF Telcom Inc	449 W Forest Ave Mora, MN 55051	Electronic Service	Yes	OFF_SL_20-522_IC-20-522
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_20-522_IC-20-522
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-522_IC-20-522
Jason	Topp	jason.topp@lumen.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	Yes	OFF_SL_20-522_IC-20-522

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CENTURYLINK'S COMMENTS

Qwest Corporation dba CenturyLink QC ("CenturyLink") submits these comments in response to the Commission's Notice issued September 15, 2020. CenturyLink respectfully requests that the Commission act urgently on its petition to disconnect. In the meantime, CenturyLink is providing service without payment to an entity that apparently wants to cease operations. The current situation cannot continue.

In the Notice, the Commission invited comment on the following issues:

- Does Section 5.4.3 of CenturyLink's Interconnection agreement with KTF set out the entirety of the disconnection process between the two companies?
- How does the fact that KTF provides internet access and voice over internet protocol ("VOIP") service to its end user customers affect the analysis in this docket, if at all?
- Are there past Commission dockets involving customer notice that are helpful or instructive to this docket? What customer notice plans do other state commissions use when allowing one carrier to disconnect another?
- Are there other issues or concerns related to this matter?

CenturyLink will address each of these topics.

I. Section 5.4.3 of CenturyLink’s Interconnection Agreement with KTF Addresses the Contract Obligations of the Parties, Including the Need to Obtain Commission Approval for Disconnection. Section 5.4.9 Obligates KTF to Notify its Customers.

The Notice first inquires whether “Section 5.4.3 of CenturyLink’s Interconnection agreement with KTF set[s] out the entirety of the disconnection process between the two companies.” Section 5.4.3 sets forth the process for disconnection associated with nonpayment and explicitly applies “[w]ith the Commission’s permission . . .” CenturyLink agrees that Commission approval is necessary in order to disconnect service. Because CenturyLink is a Telephone Company and KTF is a telecommunications carrier under Minnesota Statutes, the standard for such disconnection are covered by Minn. Stat. § 237.74, Subd. 9:

If a physical connection exists between a telephone exchange system operated by a telephone company and the toll line or lines operated by a telecommunications carrier, neither of the companies shall have the connection severed or the service between the companies discontinued without first obtaining an order from the commission upon an application for permission to discontinue the physical connection. Upon the filing of an application for discontinuance of the connection, the department shall investigate and ascertain whether public convenience requires the continuance of the physical connection, and if the department so finds, the commission shall fix the compensation, terms, and conditions of the continuance of the physical connection and service between the telephone company and the telecommunications carrier. Prior commission approval is not required for severing connections where multiple local exchange companies are authorized to provide service. However, the commission may require the connections if it finds that the connections are in the public interest, but may not require connections with a telecommunications carrier certified to provide only interexchange service.

In this case, it is almost a certainty that “multiple local exchange carriers are authorized to provide service” in the area served by KTF and that prior approval is not required. However, because of the interconnection agreement language, CenturyLink has filed the petition in this case. If the Commission directs that such approval is unnecessary, CenturyLink will not file for approval in similar situations moving forward.

Furthermore, the interconnection agreement makes clear that it is KTF’s responsibility to notify customers of this disconnection. Section 5.4.9 states:

5.4.9 Each Party shall be responsible for notifying its End User Customers of any pending disconnection of a non-paid service by the billed Party, if necessary, to allow those Customers to make other arrangements for such non-paid services.

KTF should be responsible for notifying customers that their services will be disconnected.

II. The Fact that KTF Provides Internet Access and Voice Over Internet Protocol Service to its End Users Affects Requirements the Commission Can Impose With Respect to KTF Customers.

The Commission next asks: “How does the fact that KTF provides internet access and voice over internet protocol (“VOIP”) service to its end user customers affect the analysis in this docket, if at all?” CenturyLink’s view is that this fact does not affect the Commission’s authority over services provided under the interconnection agreement between CenturyLink and KTF. However, the services offered by KTF to its customers has a great effect on the Commission’s authority to order CenturyLink to provide internet access or VoIP service to KTF customers as the Department of Commerce has suggested. The Eighth Circuit has held that VoIP is an information service and that state regulation of such service is preempted. *Charter Advanced Svcs. (MN), LLC v. Lange*, 903 F.3d 715, 720 (8th Cir. 2018). CenturyLink believes that this precedent prohibits the Commission from ordering CenturyLink to offer VoIP or internet access services to KTF customers as a condition for granting permission to disconnect in this proceeding.

III. The CLEC is Responsible for Notifying Customers.

The Notice asks: “Are there past Commission dockets involving customer notice that are helpful or instructive to this docket? What customer notice plans do other state commissions use when allowing one carrier to disconnect another?” CenturyLink is not aware of other Minnesota Commission decisions that have involved exclusively internet service.

With respect to other states, CenturyLink's interconnection agreements generally contain provisions similar to Section 5.4.9 quoted above that require the CLEC to notify customers. The same approach makes sense here. The Commission should authorize disconnection on a specific date and make clear that KTF should notice its customers early enough that they can make other arrangements.

IV. Other Considerations.

The Commission will best serve customers by issuing a simple clear order authorizing disconnection 30 days after the Commission order. It should require KTF to inform customers in order to give customers ample opportunity to make alternate arrangements. Making any Commission order more complicated or contingent on future events will make it more difficult to transfer customers seamlessly to ensure they receive service moving forward.

CONCLUSION

CenturyLink recommends that the Commission issue a simple order authorizing disconnection and mandating that KTF provide notice to its customers. Such an order will serve customers best by giving them every opportunity to obtain service from an alternate provider and maintain service.

Dated this 30th day of September, 2020.

QWEST CORPORATION dba
CENTURYLINK QC

/s/ Jason D. Topp _____

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