

June 6, 2016

Daniel P. Wolf  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East Suite 350  
St Paul Minnesota 55101-2147

RE: **Responsive Comments of the Minnesota Department of Commerce**  
Docket No. P5615/SA-16-375

Dear Mr. Wolf:

Attached are the responsive comments of the Minnesota Department of Commerce (Department) in the following matter:

Request by Charter Fiberlink CC VIII, LLC to amend its certificate of authority by expanding its service area.

The petition was filed on April 29, 2016 by:

Kennard B. Woods  
Friend, Hudak & Harris, LLP  
Three Ravinia Drive, Suite 1700  
Atlanta, GA 30346-2117

The Department of Commerce recommends that Charter Fiberlink CC VIII, LLC (Charter Fiberlink CC VIII) receive conditional approval to expand its local service area to include the local exchanges of Backus, Hackensack and Altura. Before providing service in the expanded service area, Charter Fiberlink CC VIII must satisfy the conditions discussed in the attached comments.

Sincerely,

/s/ DIANE DIETZ  
Rate Analyst

DD/lt  
Attachment

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

RESPONSIVE COMMENTS OF THE  
MINNESOTA DEPARTMENT OF COMMERCE

DOCKET No. P5615/SA-16-375

**I. BACKGROUND**

On April 29, 2016, Charter Fiberlink CC VIII filed a petition to amend its certificate of authority to allow the Company to provide facilities based and resold local exchange, interexchange, and local niche services in the Backus and Hackensack exchanges of Arvig Telephone Company d/b/a TDS Telecom and the Altura exchange of Embarq Minnesota, Inc. d/b/a CenturyLink. The petition included documentation showing that notice of the proposal had been served on the affected municipalities in the proposed service area.

On May 17, 2016, the Department filed comments in the current docket making the following recommendation:

Grant conditional approval of the petition of Charter Fiberlink CC VIII, LLC to expand its service area to include the Backus and Hackensack exchanges of Arvig Telephone Company d/b/a TDS Telecom and the Altura exchange of Embarq Minnesota, Inc. d/b/a CenturyLink. The conditions are as follows: (i) filing any necessary tariff updates, (ii) filing any necessary updates to the 911 plan. Also, before becoming operational in the Altura exchange of Embarq Minnesota, Inc. d/b/a CenturyLink, Charter Fiberlink CC VIII will need to file and receive Commission approval of an interconnection agreement with Embarq Minnesota.

On May 27, 2016, Charter Fiberlink CC VIII filed reply comments. In its reply comments, Charter Fiberlink CC VIII recommended that the Commission proceed to reach a decision in the current docket while allowing the Docket No. P6716, 5615/C-14-383 to proceed in an orderly fashion. The reply comments of Charter Fiberlink CC VIII took issue with the Department's recommendation that it should be required to file and receive Commission approval of an interconnection agreement with Embarq Minnesota, Inc. d/b/a CenturyLink. Charter Fiberlink CC VIII's reply comments explained why such an interconnection agreement was unnecessary.

## II. RESPONSIVE COMMENTS AND REVISED RECOMMENDATION

The description provided by Charter Fiberlink CC VIII, in its May 27, 2016 reply comments, of the arrangement between Charter Fiberlink CCO and Charter Fiberlink CC VIII appears to be consistent with the existing practice of CLEC to CLEC agreements not being submitted to the Commission for approval. With Charter's explanation the Department wishes to modify its recommendation by deleting the requirement for Charter Fiberlink CC VIII to file an interconnection agreement with Embarq Minnesota.

The Department revised recommendation is as follows:

Grant conditional approval of the petition of Charter Fiberlink CC VIII, LLC to expand its service area to include the Backus and Hackensack exchanges of Arvig Telephone Company d/b/a TDS Telecom and the Altura exchange of Embarq Minnesota, Inc. d/b/a CenturyLink. The conditions are as follows: (i) filing any necessary tariff updates, (ii) filing any necessary updates to the 911 plan.

/lt

## **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  
Responsive Comments**

**Docket No. P5615/SA-16-375**

**Dated this 6<sup>th</sup> day of June 2016**

**/s/Sharon Ferguson**

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