

June 26, 2018

Daniel P. Wolf  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East Suite 350  
St. Paul, MN 55101-2147

RE: **Department Reply Comments in the Matter of a Commission Inquiry into  
CenturyLink's Compliance with TAP Statutes and Rules**  
Docket No. P421/C-17-796

Dear Mr. Wolf:

Enclosed for filing are the Minnesota Department of Commerce reply comments in response to CenturyLink's comments in the above matter.

The Department responds to two items raised by CenturyLink:

- CenturyLink's proposed definition of "complaint."
- CenturyLink's Procedures for providing Telephone Assistance Plan (TAP) credits.

The Department also reaffirms its previous recommendation.

Sincerely,

/s/ DIANE DIETZ  
Public Utilities Rate Analyst

/s/ JOY GULLIKSON  
Public Utilities Rate Analyst

DD/JG/lt  
Attachment



## Before the Minnesota Public Utilities Commission

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### Reply Comments of the Minnesota Department of Commerce

Docket No. P421/C-17-796

#### I. BACKGROUND

On November 8, 2017, the Commission opened Docket No. P421/CI-17-796 after the Commission's Consumer Affairs Office (CAO) identified a pattern of complaints regarding subscribers' inability to enroll in the Telephone Assistance Plan (TAP) with CenturyLink. On December 13, 2017, the Minnesota Public Utilities Commission (Commission) issued a Notice of Commission Inquiry into CenturyLink's Compliance with TAP Statutes and Rules in this Docket No. P421/CI-17-796. In its Notice, the Commission requested that the Minnesota Department of Commerce (Department), and if applicable, the Office of the Attorney General, conduct reviews of customer complaints regarding TAP and file with the Commission their recommendations upon completing their reviews.

The Department filed comments on March 13, 2018. CenturyLink responded with comments dated March 29, 2018.

On April 25, 2018, the Department filed reply comments, which concluded with an Amended recommendation for the Commission's consideration.

On June 12, 2018, the Commission issued a new notice of comment period requesting initial comments by June 19, 2018 and reply comments by June 26, 2018 on the following issues:

- Parties have filed comments in the docket on the definition of a complaint, and how the term is used in Minn. Rules 7810. Are there other definitions of complaint present in tariffs or other relevant documents? If the Commission clarifies the meaning of "complaint" how will that affect other telecommunications carriers? Further, what is the relevance of defining a complaint in this docket?
- Parties have filed comments in the docket on providing credits to customers in the earliest possible billing cycle. What is CenturyLink's internal timeline on processing TAP applications so that it complies with the requirements of Minn. Stat. §237.70, subdivision 7(c)'s requirement that it "provide telephone assistance plan credits against monthly charges in the earliest possible month following receipt of the application"?
- Are there other issues or concerns related to this matter?

On June 19, 2018, CenturyLink filed comments in response to the Commission's June 12, 2018 notice of comment period.

The Department responds to two items raised in CenturyLink's June 19, 2018 comments, and concludes by restating its Recommendation for the Commission's consideration.

- CenturyLink's proposed definition of "complaint" is not supported by any commission-sanctioned definition of the term. CenturyLink's proposed definition continues its practice of misclassifying complaints by ignoring those complaints by customers that are not escalated, whether or not the complaint is ORDER SUSPENDING REPORTING FOR WHOLESAL SERVICE QUALITY STANDARDS resolved.
- Whether CenturyLink's procedures for providing Telephone Assistance Plan (TAP) credits are satisfactory.

*A. CENTURLINK'S PROPOSED DEFINITION OF "COMPLAINT" IS NOT SUPPORTED BY ANY COMMISSION-SANCTIONED DEFINITION OF THE TERM AND CONTINUES ITS PRACTICE OF MISCLASSIFYING "COMPLAINTS"*

In its June 19, 2018 comments, CenturyLink continues to recommend the adoption of its own definition of the term "complaint"<sup>1</sup> with respect to issues raised by TAP consumers. CenturyLink's definition is significantly different from what a reasonable person would term a "complaint," as it excludes all complaints that are not escalated to CenturyLink executives, outside agencies such as regulatory bodies, elected officials, the Better Business Bureau or the media. CenturyLink believes the Commission should focus on reducing the regulatory onus placed upon CenturyLink and other Minnesota service providers rather than documenting the dissatisfaction of CenturyLink customers. CenturyLink suggests that no benefit has been shown for the application of a regulatory policy that would hold the carrier responsible for maintaining records about customers calling with a concern or issue, where no escalation is required.

CenturyLink points to no definition of "complaint" in Commission rules or other relevant documents. Instead, it urges the Commission to lessen the burden on the company to demonstrate that it is treating its customers in accordance with policy and rules. Further, CenturyLink's June 19, 2018 comments fail to acknowledge that the regulatory purpose for maintaining records on TAP complaints is to ensure that the needs of TAP recipients are fulfilled in accordance with the requirements of Minnesota law. Minnesota Statutes place responsibility upon the Commission and the Department with respect to the administration of the TAP

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<sup>1</sup> "CenturyLink defines a complaint as any customer issue or concern that cannot be (or is not) addressed or resolved through normal business practices and channels. Issues that require escalation to or intervention by CenturyLink executives, outside agencies such as regulatory bodies, elected officials, the Better Business Bureau or the media are considered complaints and handled accordingly". Century Link Reply Comments, page 7.

program.<sup>2</sup> In particular, Minnesota Statute section 237.70, subdivision 7(f) mandates that the Department “shall investigate complaints against local service providers with regard to the telephone assistance plan and shall report the results of its investigation to the commission.” Without satisfactory record keeping by CenturyLink, the Department is unable to carry out its statutory mandate under Minnesota Statute section 237.70, subdivision 7(f). Further, if CenturyLink does not keep records of all complaints in such a manner to enable them to share this information with the regulatory agencies, then CenturyLink also does not have the information in a manner that it can share it with its executives for their review to analyze procedures and actions.

As the Department stated in its April 24, 2018 reply comments, CenturyLink’s practice of misclassifying “complaints” also means that CenturyLink may also routinely violate Minn. Rule 7810.1100 subpart 2, which specifies that, if a “complaint cannot be promptly resolved, the utility shall contact the customer within five business days and at least once every 14 calendar days thereafter, and advise the customer regarding the status of its investigation until: the complaint is mutually resolved; or the utility advises the customer of the results of its investigation and final disposition of the matter; or the customer files a written complaint with the Public Utilities Commission or the courts.” If CenturyLink’s definition of complaint is adopted, it would be unnecessary for it to contact the customer within 5 days, if the complaint cannot be promptly resolved, because the problem experienced by the customer would not be deemed a complaint, unless it was escalated. Further, with CenturyLink’s interpretation, if a complaint is escalated, it would seem that it was not resolved promptly. The rules simply lack meaning if CenturyLink’s proposal is adopted.

In its June 19, 2018 comments, CenturyLink cites the 2008 stipulation agreement between the Department and Embarq setting forth a definition of the term “complaint” to settle a dispute related to Embarq’s Alternative Form of Regulation (AFOR) Plan in Docket Nos. P430/DI-07-1586 and P430/AR-07-94 (*i.e.*, the Embarq AFOR dockets).<sup>3</sup> CenturyLink concludes that the “additional tracking provided no help to the company in analyzing its processes and procedures.” Notably, the settlement in the Embarq AFOR dockets did not specifically relate to TAP compliance, but rather arose out of concerns over Embarq’s compliance with Section V (B) of its existing AFOR plan.<sup>4</sup> The settlement did not specifically consider the mandate in

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<sup>2</sup> Minnesota Statute 237.70, subdivision 7 (Application, notice, financial administration, complaint investigation) states that “the telephone assistance plan must be administered jointly by the commission, the Department of Commerce, and the local service providers” in accordance with guidelines specified within that statutory section.

<sup>3</sup> In the Matter of the Department Investigation into the Complaint Tracking and Reporting Process Employed by Embarq Minnesota, Inc.; In the Matter of the Embarq Minnesota, Inc. Revised Alternative Form of Regulation Plan, Docket Nos. P-430/DI-07-1586; P-430/AR-07-948, Order Acknowledging Settlement and Closing Case (Dec. 15, 2008).

<sup>4</sup> Embarq’s AFOR Plan, section V(B), filed in the Embarq AFOR dockets, states as follows:

As required by Minnesota Rule 7810.1200, Embarq will keep a record of all complaints received by it from its customers in such a manner that will enable it

Minnesota Statute section 237.70, subdivision 7(f) that the Department “shall investigate complaints against local service providers with regard to the telephone assistance plan and shall report the results of its investigation to the commission.” Even so, as noted by CenturyLink in its June 19, 2018 comments, the settlement in the Embarq AFOR dockets holds Embarq to a higher standard in “complaint” record keeping than does CenturyLink’s proposal in the current docket.

*B. CENTURYLINK’S DESCRIPTION OF ITS PROCEDURES FOR PROVIDING TAP CREDITS ARE SATISFACTORY*

In its June 19, 2018 comments, CenturyLink describes, in general terms, its process for applying TAP credits in compliance with the requirements of Minnesota Statute section 237.70, subdivision 7(c). The Department supports CenturyLink’s description of its process for applying TAP credits to customers’ accounts and believes the process complies with the statutory requirements. Based on CenturyLink’s response, the Department recommends that the Commission adopt the recommendation in the Department’s April 25, 2018 comments, but recommends the removal of Part 1.B. of the recommendation “to show how it will improve its internal practices to provide TAP credits to customers in the ‘earliest possible billing cycle.’”

**II. RECOMMENDATION**

The Department continues to support the recommendation made in its April 25, 2018 reply comments, with the removal of part 1.B. of the recommendation.

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to review and analyze its processes. Complaints will be reported to the Commission on an annual basis for the following categories: installations, repairs, billing, rates, customer service, Service Center Response times, slamming, and information services (such as 900 services). Complaints will be reported if they have been referred to Embarq by outside agencies (such as the Commission, the Department, the OAG) as well as direct customer complaints received.

## **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  
Reply Comments**

**Docket No. P421/C-17-796**

**Dated this 26<sup>th</sup> day of June 2018**

**/s/Sharon Ferguson**

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_17-796_Official PUC
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1800  St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_17-796_Official PUC
Ian	Dobson	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	No	OFF_SL_17-796_Official PUC
Ron	Elwood	relwood@mnlsap.org	Mid-Minnesota Legal Aid	2324 University Ave Ste 101  Saint Paul, MN 55114	Electronic Service	No	OFF_SL_17-796_Official PUC
Jason	Topp	jason.topp@centurylink.com	CenturyLink	200 S 5th St Ste 2200  Minneapolis, MN 55402	Electronic Service	Yes	OFF_SL_17-796_Official PUC
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_17-796_Official PUC