

STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger	Chair
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
John Tuma	Commissioner
Betsy Wergin	Commissioner

In the Matter of a Petition of
Lake County Minnesota for Designation as an
Eligible Telecommunications Carrier

Docket M-15-65

**CHALLENGE TO THE FORM OR
COMPLETENESS OF PETITION**

On January 29, 2015, Lake County Minnesota d/b/a Lake Connections (“Lake County”) filed a petition asking the Minnesota Public Utilities Commission (“Commission”) to issue an order designating Lake County as an eligible telecommunications carrier (“ETC”). The Commission’s rule covering the process for ETC designation in this case is 7812.1400.

Citizens Telecommunications Company of Minnesota, LLC (“CTC-MN”) is the incumbent local exchange carrier (“ILEC”) in much of the area for which Lake County is seeking ETC designation, as the petition notes. In accordance with Rule 7812.1400, Subpart 6, CTC-MN challenges the form and completeness of Lake County’s petition¹.

Rule 7812.1400 lays out the process the Commission uses for designating ETCs. Subpart 1 of that rule applies to the designation of an ILEC as an ETC, and Subpart 2 of the rule applies to the designation of a competitive local exchange carrier (“CLEC”) as an ETC. Lake County is neither an ILEC nor a CLEC. Indeed, Lake County does not appear to be a local service “carrier” at all, as it does not now and apparently has no intent of providing service to end users. Under the text of Rule 7812.1400, ILECs and CLECs may be designated as ETCs, but the language of the rule does not provide for the designation of non-provider entities such as Lake County. Thus, it does not appear that the petition conforms to the rule requirements for ETC designation that the Commission has adopted.

¹ Lake County’s petition references Rule 7811.1400 in its discussion of intervention, comments, and challenge matters. However, Rule 7812.1400 is actually the relevant rule, since the area in question is served by incumbent local exchange carriers with more than 50,000 subscribers in the state.

The federal statutory requirements regarding ETCs state that a common carrier designated as an eligible telecommunications carrier shall, throughout the service area for which the designation is received:

“(A) offer the services that are supported by Federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier’s services (including the services offered by another eligible telecommunications carrier);

It does not appear that Lake County is a common carrier, nor will it be offering services to end user customers, as directed by the federal statute.

The petition does note that Lake County has some type of arrangement with Lake Communications, under which Lake Communications will provide service to end users. The petition states that Lake Communications is Lake County’s “selected vendor for this function”. Lake Communications is a CLEC, with authority to operate from the Commission. However, Lake Communications is not a party to this petition seeking ETC designation for Lake County.

Conclusion

CTC-MN believes that Lake County’s petition does not conform to the requirements of Rule 7812.1400, as a non-provider entity of the nature of Lake County is not encompassed by the language of the rule. Since Lake County is not a common carrier and does not intend to offer service to end users throughout its service area, it does not comport with federal ETC requirements. CTC-MN suggests that the Commission reject the filing as out of compliance with the relevant rules and requirements.

Dated February 6, 2015

Respectfully submitted,

CITIZENS TELECOMMUNICATIONS COMPANY OF MINNESOTA, LLC.

/s/ Scott Bohler

Scott Bohler
Manager, Government and External Affairs
2378 Wilshire Blvd. Mound, MN 55364
(952) 491-5534 Telephone
scott.bohler@ftr.com