

May 12, 2022

Will Seuffert
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**
Docket No. P999/M-22-224

Dear Mr. Seuffert:

Attached are the Comments on the petition of the Minnesota Department of Commerce (Department) in the following matter:

Petition to Order Discontinuance of Service to Revoked Carriers and Carriers that have Relinquished their Certificates of Authority

The Department recommends the following action of the Commission:

- 1) Order all local exchange and interexchange carriers to discontinue service arrangements enabling the list of identified carriers to provide Minnesota intrastate telecommunications services to end-user and wholesale customers.
- 2) Order carriers who find that end-user or wholesale customers will be affected by the discontinuance to contact the Department within 7 days of the date of the Commission's Order. The Department will notify the carrier within 3 business days if the discontinuance may proceed, if there must first be a transition plan approved by the Department, or if the matter is to be further addressed by the Commission prior to discontinuance.
- 3) Order all local exchange and interexchange carriers to not engage in any new service arrangements for the provision of services that enable the identified carriers to provide Minnesota intrastate telecommunications service to end-user or wholesale customers effective immediately, unless this Order is suspended by another Commission Order.
- 4) In executing the directives of the Order, carriers are NOT to disconnect service arrangements that are outside of the Commission's jurisdiction, such as commercial agreements used for the provision of wireless or Voice over Internet Protocol (VoIP) services.

Sincerely

/s/ DIANE DIETZ
Public Utilities Analyst

/s/ ARIELLE TIAMIYU
Telecommunications Analyst

DD/AT/ja
Attachment



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce

IN THE MATTER OF THE ORDER OF DISCONTINUANCE OF SERVICE TO REVOKED CARRIERS AND
CARRIERS THAT HAVE RELINQUISHED THEIR CERTIFICATES OF AUTHORITY

Docket No. P999/M-22-224

I. BACKGROUND

For all revocation and relinquishment dockets, the Department includes a note that, in the future, it intends to petition the Commission to require that all carriers discontinue their services to the carrier pursuant to Minn. Stat. 237.121 (a)(6). For administrative efficiency, this petition is filed at a future time with all carriers that have recently relinquished their authority or have recently had their authority revoked.

The most recent Order for discontinuance of service to carriers, who relinquished their certification or had their certification revoked, was issued on January 6, 2021 in Docket No. P999/M-19-815.

Since the last Order, the certificates of authority for the following carriers have been cancelled:

<u>Company</u>	<u>Docket No.</u>	<u>Cancellation Date</u>
Airnex Communications, Inc.	P5754/RV-21-106	3/19/2021
Silv Communication Inc.	P6541/RV-21-771	12/29/2021
Stratus Networks, Inc.	P6676/RL-21-783	12/14/2021
Mobilitie Management, LLC	P6966/RL-21-613	9/8/2021
Access Media Holding, LLC dba Access Media 3	P6696/RL-21-361	7/13/2021
Sprint Communications Company L. P.	P466/RL-21-346	6/29/2021
Windstream Direct, LLC	P5654/RL-21-247	2/8/2022
	P6932/M-19-696 and P6932/RL-21-117 and P6932/RL-20-433	1/22/2020
Talk America Services, LLC		
Lingo Communications North, LLC	P3144/RL-21-29	2/17/2021
Business Telecom, LLC. dba EarthLink Business	P-5215/RL-20-897;	2/17/2021
CTC Communications Corp. dba EarthLink Business	P-3099/RL-20-898	2/17/2021
LCR Telecommunications, LLC	P6099/RL-20-873	2/17/2021
BCE Nexxia Corporation	P6251/RL-20-826	7/13/2021

Voxbeam Telecommunications Inc. dba Magic Telecom	P6918/RL-20-653	9/29/2020
Legacy Long Distance International Inc. dba Edovo	P5966/RL-20-619	10/6/2020
MegaPath Cloud Company, LLC	P6974/RL-20-581	8/25/2020
CenturyLink Public Communications, Inc. dba CenturyLink	P6939/RL-20-538	8/4/2020
Reliant Communications, Inc.	P-5657/RL-19-756	1/22/2020
Total Holdings, Inc. dba GTC Communications	P6692/RV-21-425	2/25/2022
Minnesota MSA, LLC	P6982/RL-22-48	3/8/2022
BBY Networks, Inc.	P6854, P6082/PA-22-49	4/12/2022

II. PROCEDURE

To ensure that the Commission's cancellation orders are enforced, and that all certificated carriers are aware of the cancellation of these certificates of authority, the Commission may order all local exchange and interexchange carriers to discontinue providing those services that enable the revoked carrier to continue providing service in violation of Chapter 237.

Under Minn. Stat. §237.121(a)(6), a telephone company or telecommunications carrier is prohibited from providing telephone service to a person acting as a telephone company or telecommunications carrier if the Commission has ordered the carrier to discontinue service to that person. This requirement does not apply to customers that use an "over-the-top" phone service from a provider that is unaffiliated with the provider of the customer's internet service.

In the event the identified carriers have continued to provide telecommunications service to end users after the Commission has cancelled their authority, end user or wholesale customers may lose service if their underlying service is discontinued by the revoked carrier. Therefore, all carriers that are the subject of the instant order should also be required to develop a plan in consultation with the Department if discontinuance of service to the revoked carrier would result in disconnection of telecommunications service to end user or wholesale customers. The plan may include methods for notifying the carrier to be disconnected and any affected end users of the discontinuance, as well as any other outstanding issues either the carrier or the Department identify. Similarly, Minn. Stat. §237.121(a) (6) precludes new service arrangements with carriers that are subject to a Commission discontinuance of service order.

III. RECOMMENDATION

The Department recommends that the Commission take the following action:

- 1) Order all local exchange and interexchange carriers to discontinue service arrangements enabling the list of identified carriers to provide Minnesota intrastate telecommunications services to end-user and wholesale customers.
- 2) Order carriers who find end-user or wholesale customers, who will be affected by the discontinuance, to contact the Department within 7 days of the date of the Commission's Order in the current docket. The Department will notify the carrier within 3 business days if the discontinuance may proceed, if there must first be a transition plan approved by the Department, or if the matter is to be further addressed by the Commission prior to discontinuance.
- 3) Order all local exchange and interexchange carriers to not engage in any new service arrangements for the provision of services that enable the identified carriers to provide Minnesota intrastate telecommunications service to end-user or wholesale customers effective immediately, unless this Order is suspended by another Commission Order.
- 4) In executing the directives of the Order, carriers are NOT to disconnect service arrangements that are outside of the Commission's jurisdiction, such as commercial agreements used for the provision of wireless or Voice over Internet Protocol (VoIP) services.