

(iv) the petitioning local exchange carrier will continue to offer basic local service, as defined in subdivision 8, consistent with its tariffs in effect at the time of its petition.

4. In this Petition, CenturyLink is seeking Market Regulation under Minn. Stat. § 237.025 for 109 CenturyLink QC exchange service areas in Minnesota. For each exchange service area, this Petition seeks Market Regulation based on the criteria in Subd. 4(1). In no case is CenturyLink seeking Market Regulation under the criteria in Subd. 4(2). Therefore, my affidavit is limited to providing evidence demonstrating that the criteria in Subd. 4(1) are met; i.e., that CenturyLink QC “serves fewer than 50 percent of the households in each exchange service area, and at least 60 percent of households in the exchange service area can choose voice service from at least one additional unaffiliated competitive service provider.”

5. As noted above, the geographic unit defined in the statute is the “exchange service area.” However, much of the data in my affidavit is provided at the more granular wire center level. The 109 exchange service areas for which CenturyLink seeks relief include 154 wire centers.<sup>1</sup> Most exchange service areas contain only one wire center; in these cases, the exchange service area and wire center are the same. However, in other cases, especially in urban areas such as Minneapolis, St. Paul and Duluth, an exchange service area may contain several wire centers.<sup>2</sup> Exhibit AL-1 provides a list and mapping of the 109 exchange service areas and 154 wire centers.<sup>3</sup>

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<sup>1</sup> Exchange Service Areas and wire centers are listed in the Qwest Corporation Exchange and Network Services Tariff, Section 5.

<sup>2</sup> Exchange service areas that are served by a central office switch in another state (such as Fargo-Moorhead) are not included.

<sup>3</sup> In all exhibits, the Duluth Kenwood wire center is included in the Duluth Hemlock wire center, since CenturyLink systems combine data for these two wire centers. CenturyLink clarifies that it is seeking relief for the Duluth Kenwood wire center.

The shapefiles should be formatted in accordance with the instructions provided in a separate document, How Should I Format My Mobile Voice Deployment Data?, and uploaded as a .zip file to the Form 477 filing interface. A Mobile Voice Deployment Shapefile Template is also available for download.

The FCC accumulates all of the wireless broadband coverage data for all of the wireless providers, and makes this data available for download by the public on its web site. See: <https://www.fcc.gov/mobile-deployment-form-477-data>.

21. CenturyLink downloaded the FCC's wireless voice coverage data and has prepared Exhibit AL-13, which shows the households in each wire center that have voice service available from each wireless carrier.<sup>22</sup> This Exhibit demonstrates that according to the data reported by wireless carriers to the FCC, there is 100% wireless coverage in all but three wire centers in the far northeast part of the state: Silver Bay, Grand Marais and Tofte. And the lowest percent of households covered is 94%. Based on the 2015 Form 477 data downloaded from the FCC web site, CenturyLink has also prepared the maps included as Exhibits AL-15 and AL-16. Exhibit AL-15 shows the aggregate voice coverage for all the major wireless providers, and Exhibit AL-16 shows the wireless voice coverage separately for each of the four major carriers. Both maps show an overlay of CenturyLink exchanges (See Exchange key in Exhibit AL-12). Thus, even if we consider only wireless voice service providers, *at least 60 percent of households in all 109 exchange service area can choose voice service from at least one additional unaffiliated competitive service provider*, meeting this requirement of the statute.

22. On September 27, 2016, the DOC filed in this case the FCC's Eighteenth Report in WT Docket No. 15-125. By making this report a part of the record in this case, the DOC was seeking to show that the FCC's wireless data is not accurate enough for use in this proceeding. The DOC highlighted a number of sentences in the report, where the FCC described the

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<sup>22</sup> Exhibit 14 provides the households covered by each individual wireless carrier.

27. Therefore, after consideration of the EF study, the only wire centers that remain with *potentially* less than 60% household coverage are the Cook and Biwabik exchanges. While the EF study is unable to corroborate that these two wire centers meet the statutory standard, the data provided by the FCC cited above does demonstrate that the 60% standard is met in these wire centers. While it is not entirely clear why there is a discrepancy between these sources, it may be that in these wire centers, AT&T and/or Verizon are offering wireless services using frequencies other than the 800 MHz band that is evaluated in EF study or that other providers are offering services that cover areas that AT&T and Verizon do not. CenturyLink believes the Commission should determine that these wire centers meet the statutory criteria of 60% facilities-based coverage in Minn. Stat. § 237.025, Subd. 4(1).

### **3. Conclusion – Wireline and Wireless Coverage**

28. Exhibit AL-19 displays the wireline coverage from Exhibit AL-10 for each of the 154 CenturyLink QC wire centers (sorted by wireline coverage percentage), along with the wireless coverage from table 5 of the EF study for 32 wire centers. This Exhibit shows that the 60% criteria is met with cable and other wireline service for all but 24 wire centers, and that the 60% criteria is met for all wire centers and exchanges using the FCC's wireless analysis. The EF wireless study confirms that for all but two of the 24 exchanges, the 60% coverage criteria is met. Based on the evidence, the Commission should find that at least 60% of households have facilities-based voice coverage in all 109 CenturyLink QC exchange services areas, meeting the competitive criteria in Minn. Stat. § 237.025, Subd. 4(1).

29. The Commission should grant CenturyLink's petition to classify its voice services as subject to Competitive Market regulation, pursuant to Minn. Stat § 237.025. The data described above demonstrates that in each of CenturyLink's 109 exchange service areas in

Minnesota, the conditions in Minn. Stat. § 237.025, Subd. 4(1) are satisfied. The data in Confidential Exhibit AL-2 demonstrates that CenturyLink QC “serves fewer than 50 percent of the households in an exchange service area.” The data in Exhibits AL-4, AL-7, AL-10, AL-13 and AL-19 demonstrate that “at least 60 percent of households in the exchange service area can choose voice service from at least one additional unaffiliated competitive service provider.”

### **III. REQUIRED MATERIALS PER MINN. STAT. § 237.025, SUBD. 2**

30. Minn. Stat. § 237.025, Subd. 2 defines the materials that an applicant for Competitive Market Regulation must provide in an Application. First, a Petitioner must provide: “A list of exchange service areas in which the local exchange carrier is seeking to be regulated under this section.” CenturyLink is requesting Competitive Market Regulation pursuant to Minn. Stat. § 237.025 in 109 exchange service areas comprised of 154 wire centers as listed in Exhibit AL-1.

31. Second, a Petitioner must provide: “The local services offered by the local exchange carrier in each exchange service area.” The local services offered by CenturyLink QC can be found in the tariffs, price lists and catalogs that are located on the CenturyLink web site at:

<http://www.centurylink.com/Pages/AboutUs/Legal/Tariffs/displayTariffLandingPage.html?rid=tariffs>. Please also see the CenturyLink response to DOC data request 26, attached as Exhibit AL-20. This response clarifies that the services under consideration here are found in the Exchange and Network Services Tariff No. 1, and lists the relevant services and USOCs. These services are available in all 154 CenturyLink QC wire centers as listed in Exhibit AL-1.

32. Third, a Petitioner must provide: “A list of competitive service providers in each exchange service area.” As described earlier, a “competitive provider” is defined in Minn. Stat.

“engineering testimony or other expert testimony, explaining the availability or adequacy of the wireless coverage areas shown on the maps.” The requirement for number porting data is met based on the number porting data that I have provided with my affidavit, as described above. The requirement for additional expert analysis of wireless data is met with the affidavit of Mr. Adam Nelson.

#### **IV. CONCLUSION**

41. Based on the evidence provided with my Affidavit, the Commission should grant CenturyLink’s Petition to classify its residential voice services and business voice services (for customers subscribing to three or fewer lines) as subject to Competitive Market regulation, pursuant to Minn. Stat § 237.025, for the 109 exchange service areas listed in Exhibit AL-1.

This concludes my affidavit.