

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

**REPLY COMMENTS OF THE
MINNESOTA DEPARTMENT OF COMMERCE**

DOCKET NOS. P421/AM-16-496

I. BACKGROUND

On June 30, 2016, Qwest Corporation dba CenturyLink QC (CenturyLink QC) filed a petition to be regulated pursuant to Minn. Stat. § 237.025 (Petition). The Minnesota Office of the Attorney General (OAG) and the Minnesota Department of Commerce (Department) each filed an objection to the Petition, as provided in Minn. Stat. § 237.025, subd. 3(b). Both the OAG and Department stated that the filing was incomplete and provided limited comments on the completeness and merits of the evidence filed with the Petition.

On August 22, 2016, the Minnesota Public Utilities Commission (Commission) issued a Notice of Comment Period regarding the completeness of the Petition. Specifically, “the Commission seeks comments, initial, supplemental or responsive, from interested parties regarding completeness.” The comment period on completeness closes on August 29, 2016.

II. COMPLETENESS

A. THE PURPOSE AND STANDARD FOR COMPLETENESS.

The purpose of a completeness requirement is to ensure “that a certain level of information is available to the parties right from the start of the case so that they can devote more time to analysis of substantive issues.”¹

In matters with a completeness requirement and a statutory deadline for processing an application or petition, the Commission determines completeness by distinguishing between items that are filing requirements to be demonstrated in a petition, and items that can be “more efficiently” or “best” developed by other parties through discovery and via adversarial testimony in a contested case regarding the merits of a company’s application.²

¹ *In the Matter of the Application of Minnesota Power for Authority to Increase Electric Service Rates in Minnesota*, Docket No. E015/GR-08-415, Order Finding Filing Incomplete, June 20, 2008, page 5. Also see July 21, 2008 Order Accepting filing and Suspending Rates in Docket No. E015/GR-08-415.

² *In the Matter of an Application for a Certificate of Need for Construction of an Independent Spent Fuel Storage Installation*, Docket No. E002/CN-91-19, (Docket No. 91-19) Order (Footnote Continued on Next Page)

B. DOUBT IS RESOLVED IN FAVOR OF REQUIRING COMPLETENESS.

It is particularly important that the Commission ensure a complete filing in dockets where the statutory deadline is short and the case is factually and legally complex, as is the case in the instant CenturyLink QC Petition. In such cases, the Commission resolves doubts about the need for further information to ensure completeness in favor of requiring it to be filed.³

For example, in an application by Northern States Power Company (NSP) for a certificate of need, the Commission observed that the relevant statute required Commission action within six months of receipt of a complete filing, the application was “technically complex,” “legally demanding,” and raised “serious issues of public policy.”⁴ The Commission emphasized that in such a case, “having a complete filing in hand at the beginning of the process is extremely important.” The Commission further said:

It will be difficult enough to conclude public and evidentiary hearings, briefing, and oral argument within the six month time frame, *without having to rely on discovery to clarify facts which could be clarified now*. The Commission will therefore resolve doubts about the need for further information in favor of requiring it. The comments of the parties, and the Commission’s independent examination of the filing, show that the application is not substantially complete in its present form.⁵

C. BURDEN OF PROOF AND EVIDENCE NOT WITHIN THE REGULATORY AUTHORITY OF THE COMMISSION

When the Commission lacks subject matter jurisdiction to obtain from third parties information with which to assess the merits of a petition as to which the burden of proof rests with the petitioner, as is the situation in the present docket, the Commission does not require parties to the proceeding to develop the information by means of discovery in a contested case process, but instead requires the information to be provided in the initial filing of the petitioner.

(Footnote Continued from Previous Page)

Accepting Filing as Substantially Complete and Authorizing Executive Secretary to Vary Time Requirements, July 18, 1991, page 4.

³ *Docket 91-19*, Order Requiring Supplementary Filings to Complete Application, May 29, 1991, page 4.

⁴ *Id.*

⁵ *In the Matter of an Application for a Certificate of Need for Construction of an Independent Spent Fuel Storage Installation*, Docket No. E002/CN-91-19, Order Requiring Supplementary Filings to Complete Application, May 29, 1991, page 4 (emphasis added).

The Commission did so in connection with the certificates of need for the CapX projects⁶, a proposed set of transmission facilities in which entities not regulated by the Commission participated. The initial filing for the CapX projects was to include “pertinent data concerning peak demand and annual electrical consumption within the applicant's service area and system,” including estimates of the number of ultimate consumers within the applicant's system, annual electrical consumption by those consumers, data regarding annual Minnesota and system-wide energy consumption, and the number of customers for each utility that participated in a CapX project.⁷ The Department objected to a finding of completeness, because the initial filing omitted information regarding the system-wide energy consumption and numbers of customers for the two unregulated municipal utilities, the Central Minnesota Municipal Power Agency (CMMPA)⁸ and Wisconsin Public Power, Inc. (WPPI)⁹. In particular, the application contained no data relating to Minnesota and system-wide energy consumption by WPPI, or the number of customers served by either CMMPA or WPPI. The Department recommended that the Commission not find completeness in the absence of this information being provided by the Applicants.¹⁰ The Commission agreed and directed the Applicants to file the supplemental information for purposes of completeness.¹¹

D. ASSUMPTIONS UNDERLYING THE FILING REQUIRED TO SHOW COMPLETENESS

To be considered complete, a company's initial petition must provide sufficient information, regarding the assumptions underlying the information in its petition to allow for meaningful, timely analysis. When a company fails to do so, and as a result parties are unable to timely assess a petition, the Commission may deny the petition.

⁶ *In the Matter of the Application of Great River Energy, Northern States Power Company (d/b/a Xcel Energy) and Others for Certificates of Need for the CapX 345-kV Transmission Projects, ET-2, E-002, et al./CN-06-1 115, Order Accepting Application as Substantially Complete Pending Supplemental Filing, Nov. 21 2007.*

⁷ *Id.* at 8-9.

⁸ CMMPA describes itself as “a municipal, consumer-owned, non-profit organization providing energy management and consulting services for its electric utility members and affiliates” <http://www.cmma.org/about-cmpas>. It states, “[a]s a participant in the CapX Brookings transmission projects, [CMMPA] owns 3.9 percent of the 250-mile line along with Xcel Energy, Great River Energy, Ottertail Power Corporation and Missouri River Energy Services.” <http://www.cmma.org/projects/agency-sponsored-projects/>

⁹ WPPI describes itself as a “municipal electric utility” “formed pursuant to Wisconsin Statutes § 66.0825’... that supplies substantially all of the wholesale electric power requirements of its member distribution systems on a not-for-profit basis,” the members of which are “51 municipalities, municipal utilities and a cooperative electric association within Wisconsin, Iowa and Michigan.” Publ. online at: *edockets no. 20135-87212-01*.

¹⁰ *Id.* at 9.

¹¹ *Id.* at 9.

The Commission found incomplete an initial filing that the parties were unable to timely assess in the 2012 Integrated Resource Plan of Great River Energy (GRE 2012 IRP Order).¹² There GRE failed to provide in its initial filing sufficient information on its assumptions and on alternative scenarios testing changes to GRE's supply-side resources.¹³ GRE denied that its omission of data from its initial filing could prejudice the parties' efforts to evaluate the merit of its Plan, because, GRE reasoned, the Company's preferred plan was "the status quo," for which the requested information on alternative scenarios (sought to be developed by the parties) was not important.¹⁴ The Commission disagreed with the merits of the Company's theory about resource planning, stating that "resource planning involves the costs of both new resources and existing resources and information on alternative scenarios was "precisely the type of analysis that a resource plan should include."¹⁵ The Commission, due to a lack of time for the parties to develop information after the completeness determination, ultimately rejected GRE's IRP. It further directed that, for GRE's next proposed IRP to be complete, the company must provide the requested information in its next IRP Initial Filing.¹⁶

The Commission routinely requires that Companies provide in their initial filings the supporting data and workpapers that transparently disclose the Applicant's underlying data, assumptions and methods in a manner that allows other parties to assess and reconcile the Applicant's proposals. For example, in the *CPE 2015 Rate Case Order*, to address parties' concerns the Company's initial filing provided insufficient supporting details, which shifted the onus to other parties to develop information via discovery (that may or may not be fully and reasonably answered) the Commission ordered the Company's future initial filings to provide greater detail, and for the detail to be transparent and reconcilable (by for example having related datasets use the same time periods). The Commission ordered that,¹⁷

¹² *In the Matter of Great River Energy's 2012 Integrated Resource Plan*, Docket No. ET-2/RP-12-1114, Order Rejecting Resource Plan and Setting Future Filing Requirements, Sept. 26, 2013.

¹³ *Id.* at 11.

¹⁴ *Id.* at 10-11 (GRE's IRP proposed conservation and load management involving only existing resources, and did not propose to refurbish, build, or buy new plant).

¹⁵ *Id.* at 11.

¹⁶ *Id.* at 2, 11.

¹⁷ *In the Matter of the Application of CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Minnesota Gas for Authority to Increase Natural Gas Rates in Minnesota*, Docket No. G-008/GR-15-424, Findings of Fact, Conclusions, and Order, June 3, 2016 (*CPE 2015 Rate Case Order*) at pages 11, 14, 24-25, 72-77, 83-84. (emphasis added) (The Commission required greater transparency in future initial filings because of the problems created by CPE' opaque initial filing in the CPE 2015 Rate Case, in which, for example, (as the Commission found) CPE's net present value analysis, was incomplete "and not part of the initial rate case filing", that "CPE's Net Present Value analysis was not provided in its initial filing, and was only provided in response to DOC information requests"; that "this lack of clarity was due to the Company's inclusion of very little information in its initial filing"; with the result that, "the record simply does not show what happened to the missing 38 percent of headquarters costs that CPE suggests would have been allocated to Other Jurisdictions but were not" and "[d]oubt must go to ratepayers."

38. In future rate cases, CenterPoint shall ...

- *include and identify in the initial filing* of future rate cases the incentive plan program documents when the incentive plan's costs are included in the test year for cost recovery;
- present all testimony and *supporting schedules consistently*, using the same 12-month time period as CenterPoint's selected test-year period;
- *provide transparent and reconcilable schedules in the event its selected test-year period differs from the financial, operating and budgeting reporting periods used in practice—if the Company fails to comply, the Commission may reject the rate case filing as incomplete.*

E. REJECT FILING AS INCOMPLETE, BUT RETAIN THE CURRENT DOCKET

The Commission has been sensitive to the need for completeness before commencement of a short statutory timeline. In an Interstate Power Company (IPC) rate case,¹⁸ the Company failed to provide a class cost of service study consistent with a past Commission order. Although the Department recommended that the Commission accept IPC's commitment to immediately supplement its filing, and find the application complete, the Commission declined to do so, stating:¹⁹

The Commission is unwilling to follow the original Department recommendation, which was to accept the Company's filing contingent upon Interstate later filing of a CCOSS. If the current filing were accepted, the rate case would be considered filed [and the] statutory ten-month deadline for completion of the case would thus run.... Assuming that the Company filed its CCOSS within 30 days...the CCOSS would not be received by the parties until some 60 days into the ten-month rate case period. If the Company's CCOSS filing were found to be unsatisfactory or incomplete, revisions and refilings would be necessary. The parties would thus not receive the final information until well into the ten-month period.

The Commission will reject Interstate's petition as incomplete at this time, due to the omission of the CCOSS. The petition will not be considered filed, and the statutory ten-month period will not run, until the receipt by the Commission of an adequate CCOSS. At that time, however, the Company will not need to refile its testimony or schedules. The current docket number will be retained.

¹⁸ *In the Matter of the Application of Interstate Power Company for Authority to Increase Its Rates for Natural Gas Service in the State of Minnesota*, Docket No. G-001/GR-90-700, Order Rejecting Filing As Incomplete, October 29, 1990.

¹⁹ *Id.* at 2-3.

F. COMPLETION OF DISCOVERY PRIOR TO FINDING COMPLETENESS

The Commission can ensure completeness by requiring disclosure of information that it, its Staff, and parties identify to be needed for completeness. For example, in a docket involving the predecessor of CenturyLink QC, US West Communications, Inc., where there was a statutory completeness requirement and statutory deadline, the Commission required responses to outstanding information requests before finding the filing to be complete²⁰ The Commission reasoned that it was “imperative to have the best available data on the longer-term revenue effects of this filing.”²¹

G. EXTENSION OF THE COMPLETENESS REVIEW

When a company fails to provide sufficient information in its petition, and as a result parties are unable to timely assess the petition, the Commission may extend the completeness review to allow additional time for parties to identify issues for purposes of completeness. The Commission described this consequence of an incomplete filing in the GRE 2012 IRP Order, where the Commission stated that it may grant a request for an extension of the completeness review by a party, or on its own motion:²²

The Commission may consider, at the request of a party or on its own motion, extending the completeness review comment deadline to review assumptions underlying [the initial] filing as part of its completeness review.

²⁰ *In the Matter of the Request of US WEST Communications, Inc. to Restructure and Reprice Centron and to Reprice and Restructure PBX Trunk and Private Line Rates, In the Matter of US WEST Communications, Inc.’s Filing to Obsolete Centrex Rate Stability Plan, and In the Matter of US WEST Centron Price Change*, Dockets Nos. P421/EM-91-1002, P421/EM-91-1000, and P421/EM-91-328; Order Requiring Further Filings, Consolidating Filings, and Denying Motion for Clarification, June 12, 1992, page 5.

²¹ *Id.*

²² GRE 2012 IRP Order at 12 (More fully, the Commission said: “[t]hroughout this docket parties have alleged that GRE failed to give proper consideration to certain scenarios – especially scenarios analyzing changes to GRE’s supply-side resources: Stanton Station, Genoa 3, and GRE’s offer to sell capacity to Xcel. For various reasons, none of these issues arose until after the Department had finished assessing the completeness of GRE’s resource plan filing. If these issues could have been identified earlier, all parties would have benefitted from having additional time to develop them. *To facilitate review of the assumptions underlying GRE’s next resource plan filing, the Commission will invite parties to that proceeding to ask to extend the deadline for commenting on the filing’s completeness. The Commission may grant such requests on behalf of any party, or even on its own motion.* (emphasis added).

III. CENTURYLINK QC'S PETITION

A. INTRODUCTION

In its August 15, 2016 Comments, the Department objected to the CenturyLink QC Petition and further offered several reasons why CenturyLink QC's Petition is incomplete. The Department filed its objection within 45 days to meet the requirement in Minn. Stat. § 237.025 subd. 3 (b), but noted that an objection to a petition should not be required until the filing is first complete.

At the writing of these August 29, 2016 Reply Comments, the Department is unable to provide assurance that it has identified all categories of data needed to ensure a complete filing with respect to the uncertificated but allegedly competitive service providers. CenturyLink QC's Petition involves highly complex engineering and economic questions involving phone services sold by CenturyLink QC and its affiliates, as well CenturyLink QC's vehement assertion that the competitive criteria of Minn. Stat. § 237.025 subd. 4 (1) is met because households can choose service from certain types of unregulated entities over which the Commission lacks jurisdiction.

CenturyLink QC provided very little information about the methodology and assumptions underlying its assertions that it satisfies the competitive criteria of Minn. Stat. § 237.025 subd. 4 (1), other than the marketing maps of certain wireless providers, that CenturyLink QC evidently printed off the internet, and data about cable providers (at the wire center level) from a website called *Sharetracker.net*, the methodology and assumptions of which are not disclosed.²³

CenturyLink QC provides no information from which the Commission reasonably could infer that the Commission will be able independently to obtain the wireless companies' or Sharetracker's methodologies or assumptions via discovery. CenturyLink QC's Petition should not be considered complete unless there is a disclosure of methodologies and underlying assumptions regarding the data from unregulated entities on which the Petition depends.

Shortness of time for the Commission to issue its decision is further aggravated in this docket because the regulatory agencies, including the Commission, have no particular expertise regarding the uncertificated providers and their services with which to evaluate the Petition, and as a result, the Commission likely will need assistance of engineering and economic consultants, the retention of which typically requires several months under the routine, statutorily-mandated Request for Proposal process.

The Department offers some additional comments to further clarify why the Petition is incomplete. The below comments attempt to avoid discussion of the merits, but it should be acknowledged that there is not a bright line between what must be in the Petition to satisfy completeness requirements and the Petition's merits. In other words, the information provided in response to a statutory requirement must be responsive to what is specified in the statute.

²³ See CenturyLink QC Petition, Affidavit of Brigham.

B. COMPLETENESS OF CENTURYLINK QC'S PETITION FOR MARKET REGULATION

Minn. Stat. § 237.025, subd. 2(b) states: A petition filed under this subdivision must include:

- 1. A list of exchange service areas in which the local exchange carrier is seeking to be regulated under this section.**

CenturyLink QC has satisfied this requirement.

- 2. The local services offered by the local exchange carrier in each exchange service area.**

CenturyLink QC's Petition states that local services offered by CenturyLink QC can be found in the tariffs, price lists and catalogs that are located on the CenturyLink QC web site.²⁴ At the Commission's agenda meeting on August 25, 2016, the Commission discussed this requirement with CenturyLink QC's lawyer, Jason Topp. Mr. Topp stated that it is CenturyLink QC's opinion that a reference to the Company's website is adequate given that the local services CenturyLink QC offers are unimportant to satisfying the competitive criteria test in Minn. Stat. § 237.025 subd. 4 (1), which requires that 60% of households are able to choose "voice service" from an unaffiliated competitive service provider.²⁵

Minn. Stat. § 237.025 subd. 2 (b) (2) requires that a petition must include "the local services offered by the local exchange carrier in each exchange service area." Since the legislature knows that CenturyLink QC has its regulated services in a tariff on file with the Commission, the requirement for a petition to include the local services offered in each exchange service area clearly means that a petitioner is to do more than refer the Commission to its tariffs. By filing a list of each of the local services offered in each exchange, there will be no ambiguity about which services and corresponding local service customers are affected by the CenturyLink QC Petition. There may then be some analysis of which customers may obtain service from a competitive service providers and which customers must continue to rely upon CenturyLink QC for their service offering.

Also, the statutory requirement that a petition include the local services offered by the local exchange carrier in each exchange service area clearly implies that the local services CenturyLink QC currently offers customers is relevant and to the Commission's decision. In the Department's August 15, 2016 comments, the Department noted that Minn. Rule 7812.0600 lists the basic service requirements of a certified local service provider. However, Minn. Stat. § 237.025 subd. 4 (1), states that 60% of the households must be able to choose "voice service," and the statute does not define "voice service." Since CenturyLink QC relies on non-certified carriers to satisfy the competitive criteria, such carriers may not meet the basic service requirements in Minn. Rule 7812.0600.

²⁴ CenturyLink Petition, Affidavit of Brigham, page 9.

²⁵ Webcast video recording, Commission Agenda Meeting, Aug. 25, 2016, at 2:21, publ. online at: http://minnesotapuc.granicus.com/MediaPlayer.php?view_id=2&clip_id=520

It appears the Commission will need to determine what is acceptable “voice service” to satisfy the statutory requirement. The Commission may recall that when Vonage first began offering its service in Minnesota, 911 calls were not properly routed to the public safety answering points. While the Department hopes that all competitive service providers are currently routing 911 calls properly, such a service quality requirement isn’t automatic with any voice communication. In other words, whatever the Commission accepts to be “voice service” should have some acceptable level of service quality. Consistent with Minn. Rule 7812.0600, 911 or enhanced 911 access would seem to be appropriate service quality requirements for any competitive service provider of voice service. The ability to make and receive calls from inside a premise with some acceptable signal strength may be an appropriate level of service quality. The Commission may also give consideration to a household’s ability to access telecommunications relay service, call tracing capability, and blocking capability without incurring monthly charges. Because CenturyLink QC relies on non-certificated entities’ services to support its Petition, some clarity may be required from the Commission of what it will accept as “voice service” so that CenturyLink QC can provide the information necessary to satisfy its burden of proof.

Finally, as the Department pointed out in its August 15, 2016 comments, the lines of CenturyLink QC’s affiliate, CenturyLink Communications, LLC, (CLC), were not included in the calculation of households served.²⁶ The Commission may view this as not providing complete information with its Petition.

3. A list of competitive service providers in each exchange service area.

The Affidavit of Robert Brigham at page 10 states that Exhibit RHB-7 is a partial list of providers that offer facility-based services to residential customers. The Commission will need to determine if CenturyLink QC’s Petition is complete in the absence of all competitive service providers in each exchange.

4. A description of affiliate relationships the petitioning local exchange carrier has with any provider of local service in each exchange service area.

If CLC is the only affiliate of CenturyLink QC providing any local service in each exchange service area, the Department agrees that CenturyLink QC identified CLC in its Petition. However, because CenturyLink QC chose to exclude CLC data from its analysis, the Petition is incomplete as it does not show what local services CLC provides in each exchange service area. In addition to whatever retail local services CLC may provide, if CLC is the underlying carrier to another provider, it is relevant to the subdivision 4 analysis.

5. Documentation demonstrating the local exchange carrier’s loss of local voice service customers to unaffiliated competitive service providers in each exchange service area over, at a minimum, the previous five years.

The statute requires a showing that customers were lost to an unaffiliated competitive service provider, not simply a demonstration of the loss of local service customers. For example, a

²⁶ See Department August 15, 2016 comments, pages 4-5, no. 3.

customer has not been lost to an unaffiliated competitive service provider if the customer continues to purchase CenturyLink QC's internet service and uses an over-the-top VoIP provider for voice calls. Similarly, a customer has not been lost to an unaffiliated competitive service provider if the customer chooses to use a provider with satellite technology, a wireless provider that resells voice service purchased at wholesale, or a CLEC that doesn't own a substantial portion of the last-mile or loop facilities. Households served by entities that are not qualifying competitive service providers are not to be included in the 60 percent statutory requirement in Minn. Stat. § 237.025 subd. 4 (1).

CenturyLink QC has not submitted the information required by the statute to support its Petition. The Commission can choose to accept CenturyLink QC's Petition as complete with respect to this requirement since it provided some data. This may, however, have the adverse effect of a Commission determination at some later date that the information submitted by CenturyLink QC is inadequate or incomplete.

6. Evidence demonstrating that the local exchange carrier satisfies the competitive criteria under subdivision 4 in each exchange service area.

CenturyLink QC filed its Petition under Minn. Stat. § 237.025 subd. 4 (1), requiring CenturyLink QC to show that it serves fewer than 50 percent of the households in an 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. The Commission can choose to accept CenturyLink QC's Petition as complete with this requirement since some data was provided. Again, however, in the absence of additional information being filed, the Commission may determine at some later date that the information submitted by CenturyLink QC is inadequate or incomplete.

As the Department explained in its August 15, 2016 comments, CenturyLink QC relies on wireless voice services to support its claim that 60 percent of the households in all of its 108 exchanges can choose voice service from at least one additional unaffiliated competitive service provider. The Department also provided an example of how a wireless carrier's coverage maps used for marketing may be significantly different than its actual coverage maps. Upon the Commission determining whether "voice service" should meet some level of service quality, CenturyLink may need to submit additional evidence. But to be clear, if the Commission were to accept wireless areas with weak to no coverage as acceptable for the purpose of determining if voice service is available, then the marketing maps provided by CenturyLink QC are sufficient to show wireless coverage in that context. As stated above, the Commission should give consideration to its basic service requirements in Minnesota rules that include 911 or enhance 911 access, access to telecommunications relay service, call tracing capability, and blocking capability without incurring monthly charges.

In addition, in the event the Commission rejects CenturyLink QC's proposition that if customers are not receiving service from CenturyLink QC, they must be receiving service from an unaffiliated competitive service provider (as defined), then it is necessary to review what voice service is available from competitive service providers in each of the exchanges included in the Petition. To analyze the competition CenturyLink QC is truly experiencing in any exchange, it may be necessary to provide the Commission with the data of those carriers sufficient in size to

demonstrate that the competitive criteria in subdivision 4 have been met. CenturyLink QC's analysis simply does not pass the "straight face" test, since it fails to account for (1) customers served by CLC, (2) customers served by another retail carrier that has CenturyLink QC or CLC as by the underlying carrier, (3) customers using satellite technology, (4) wireless voice providers that resell voice services purchased at wholesale, (5) competitive local exchange carriers that do not own a substantial portion of the last-mile or loop facilities over which they provide local voice service, and (6) over the top VoIP providers.

IV. DEPARTMENT RECOMMENDATION

The Department recommends that the Commission find that the CenturyLink QC's Petition is incomplete pursuant to Minn. Stat. § 237.025, subd. 2 (b). Allow the current docket to remain open in the event CenturyLink QC chooses to supplement its Petition so that the initial filing requirements are met. If CenturyLink QC supplements its Petition, the Commission should then establish a process to determine whether the Petition is complete. CenturyLink QC should be directed to disclose the methodologies and underlying assumptions regarding the data from unregulated entities on which the Petition depends.

The Commission may also wish to address the type of assistance it will need to evaluate the Petition, once it is deemed complete. As stated above, engineering and economic consultants may be needed to evaluate the Petition.

Finally, the Commission may wish to address how disputes on discovery may be resolved. If CenturyLink QC refuses to respond to discovery requests of other parties because it deems the requests as unnecessary or unimportant to the merits of the Petition or an excessive burden, a process should be established for any such disputes to be resolved in a timely manner. The Commission may wish to delegate to its Executive Secretary, Commission staff, or a lead Commissioner the authority to rule on discovery disputes.



STATE OF MINNESOTA

August 29, 2016

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

RE: **Qwest Corporation d/b/a CenturyLink QC's Petition to be Regulated Pursuant to Minn. Stat. § 237.025: Competitive Market Regulation**
Docket No. P421/AM-16-496

Dear Mr. Wolf:

Attached are the Reply Comments of the Minnesota Department of Commerce. These Reply Comments concern the completeness of CenturyLink QC's Petition, and are filed in response to the Commission's August 22, 2016, Notice of Comment Period in the above referenced matter.

Sincerely,

/s/ Linda S. Jensen
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Enclosures.

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Firestein	Terri	tfireccg@myactv.net	RS Fiber Cooperative	Electronic Service	No
Firstman	Cynthia	cat@airespring.com	Airespring, Inc.	Electronic Service	No
Fleming	Bryan	bryan.fleming@t-mobile.com	T-Mobile USA, Inc.(PARTY)	Electronic Service	No

Last Name	First Name	Email	Company Name	Delivery Method	View Trade Secret
Forst	Charles	charles.forst@zayo.com	Zayo Group, LLC	Electronic Service	No
Freeman	Lisa Jill	ljfreeman@bandwidth.com	Bandwidth.com CLEC, LLC	Electronic Service	No
Gertsburg	Alexander E	agertsburg@broadvox.com	Broadvox-CLEC, LLC	Electronic Service	No
Gleason	Jim	jgleason@claritycomm.net	Clarity Telecom, LLC	Electronic Service	No
Grewe	Jennifer	jenniferg@wcta.net	West Central Telephone Assoc	Electronic Service	No
Gustas	Brian	bgustas@matrixbt.com	Matrix Telecom, Inc.	Electronic Service	No
Halm	K.C.	kchalm@dwt.com	Davis Wright Tremaine LLP	Electronic Service	No
Harper	Jarrod	jharper@broadviewnet.com	Broadview Networks Inc	Electronic Service	No
Harrington	John	jharrington@inteliquent.com	Neutral Tandem-Minnesota	Electronic Service	No
Heaston	Donna	Donna.Heaston@IntegraTelecom.com	Integra Telecom of MN, Inc	Electronic Service	No
Herman	Randall J.	rjherman@access-com.net	Access Communications Technologies	Electronic Service	No
Hickle	James	jim.hickle@velocitytelephone.com	Velocity Telephone Inc	Electronic Service	No
Hoke	Angela	Angela.Hoke@birch.com	Ionex Communications North, Inc. dba Birch Communications	Electronic Service	No
Hollick	Pamela	Pamela.Hollick@Level3.com	Level 3 Communications, LLC	Electronic Service	No
Hopkins	Kevin	khopkins@telephoneassociates.com	Telephone Associates, Inc.	Electronic Service	No
Isaacs	Kim	kdisaacs@integratelecom.com	Integra Telecom, Inc.	Electronic Service	No
Jennings	John	jjennings@bigrivertelephone.com	Big River Telephone Company, LLC	Electronic Service	No
Jensen	Bill	bjensen@mediacomcc.com	Mediacom Minnesota LLC	Electronic Service	No
Jergenson	Sherry	sjergenson@acentek.net	Ace Link Telecommunications Inc	Electronic Service	No
Johnson	Gary	gjohnson@paulbunyan.net	Paul Bunyan Rural Telephone Coop.	Electronic Service	No
Kangas	Laura	lkangas@palmerwireless.com	Palmer Wireless, LLC	Electronic Service	No
Kapler	Kenneth	kkapler@vnetusa.com	Virtual Network Solutions, Inc.	Electronic Service	No
Katka	Steve	skatka@albanytel.com	Albany Mutual Telephone Association	Electronic Service	No
King	Adam	dialupmaster@youbetnet.net	KTF Telcom Inc	Electronic Service	No
Kissel	Jeremy	regulatory@globalcapacity.com	GC Pivotal, LLC	Electronic Service	No
Knowles	Rex	Rex.Knowles@xo.com	XO Communications Services, Inc.	Electronic Service	No
Knuth	Kenneth	k.knuth@fecinc.com	Woodstock Telephone Company	Electronic Service	No
Kolezynski	Jim	jkolezynski@eastontelecom.com	Easton Telecom Services, L.L.C.	Electronic Service	No
Kooistra	Ron	rkooistra@corp.earthlink.com	EarthLink Business, LLC (fka New Edge Network, Inc. dba EarthLink Business)	Electronic Service	No
Korn	Jeff	jkorn@storesonline.com	Crexendo Business Solutions, Inc.	Electronic Service	No
Koxlien	Tim	tim@telequality.com	TeleQuality Communications, Inc.	Electronic Service	No
Kuhn	Deborah L.	deborah.kuhn@verizon.com	Verizon Wireless	Electronic Service	No
Larson	Kevin	klarson@ctctelcom.com	Consolidated Telephone Company	Electronic Service	No
Lawson	Bret	bret.lawson@sprint.com	Sprint/Nextel Corp.	Electronic Service	No
Lindell	John	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	Electronic Service	Yes
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Lohnes	Mary	mary_lohnes@mmi.net	Midcontinent Communications	Electronic Service	No
Lohrenz	Greg	gregl@aitech.net	Advanced Integrated Technologies	Electronic Service	No
Loken	Timothy	Tim.P.Loken@windstream.com	Windstream Communications, Inc.	Electronic Service	No
Lund	Kathy	kathylund@nu-telecom.net	New Ulm Telecom, Inc. d/b/a NU-Telecom	Electronic Service	No
McCausland	Robert W.	robert.mccausland@h3net.com	Hypercube Telecom, LLC	Electronic Service	No
McClintock	Brian	BMcClintock@tncii.com	TNCI Operating Company LLC	Electronic Service	No
McDonough	Laurie	laurie.mcdonough@acninc.com	ACN Communication Services, Inc.	Electronic Service	No
McIntyre	Brian	brian.mcintyre@dish.com	dishNET Wireline L.L.C.	Electronic Service	No
Medlin	Karin	karin.e.gray@sprint.com	Sprint Spectrum L.P.	Electronic Service	No

Last Name	First Name	Email	Company Name	Delivery Method	View Trade Secret
Mendoza	Anthony	tony@mendozalawoffice.com	Mendoza Law Office, LLC	Electronic Service	No
Moore	Michael R.	michael.moore@charter.com	Charter Communications, Inc.	Electronic Service	No
Murphy	Lance	lance.murphy@verizonwireless.com	Verizon Wireless	Electronic Service	No
Nelson	Glen	regulatory@nhcgrp.com	New Horizons Communications Corp.	Electronic Service	No
Nipps	Lyndall	lyndall.nipps@windstream.com	Windstream	Electronic Service	No
Nipps	Lyndall	WCI.Minnesota.govaffairs@windstream.com	McLeodUSA Telecommunications Services, LLC	Electronic Service	No
Nisbet	Steve	snisbet@whe.org	WH Link	Electronic Service	No
Nussbaum	Jerry	preferred@aol.com	Preferred Long Distance, Inc.	Electronic Service	No
O'Flaherty	Matt	oflaherty.matt@gmail.com	SelecTel, Inc.	Electronic Service	No
Olsen	Dan	dano@windom-mn.com	City of Windom	Electronic Service	No
Orcutt	Mike	mgorcutt@ntt-services.com	Nebraska Technology & Telecommunications, In.	Electronic Service	No

Paper Service Member(s)

Last Name	First Name	Company Name	Address	Delivery Method	View Trade Secret
Bertsch	John	Augeo Communications, LLC	2561 Territorial Road, St. Paul, MN-55114	Paper Service	No
Birkholz	Mark	Mainstreet Communications, LLC	150 Second St. SW, Perham, MN-56573	Paper Service	No
Brown	Johnny	Gazelle Link, LLC	1450 Boyson Road, Bldg. C 3-A, Hiawatha, IA-52233	Paper Service	No
Department	Legal	New Cingular Wireless PCS, LLC(PARTY)	208 S. Akard Street, Room 3135, Dallas, TX-75202	Paper Service	No
Financial Analysis	Director	New Cingular Wireless PCS, LLC(PARTY)	1 AT&T Way, Room 4A105, Bedminster, NJ-07921	Paper Service	No
Gordon	Linda	BG Enterprises, Inc.	4214 Mount Ave, Missoula, MT-59804	Paper Service	No
Hanson	Bruce	Clara City Telephone Company	1700 Technology Dr Ste 100, Willmar, MN-56201	Paper Service	No
Hollick	Pamela	Global Crossing Local Services, Inc.	4625 W 86th St Ste 500, Indianapolis, IN-46268	Paper Service	No
Knegendorf	Larry	Baldwin Broadband, LLC	930 Maple Street, Baldwin, WI-54002	Paper Service	No
Lienau	James W.	New-Cell, Inc.	PO Box 19079, 450 Security Blvd., Green Bay, WI-543079079	Paper Service	No
Mounsey	Jill	AT&T Wireless Services, Inc.	PO Box 97061, 7277 104th Ave NE, Redmond, WA-980739761	Paper Service	No
Riley	Susan	New Cingular Wireless	Suite 1520, 5565 Glenridge Connector, Atlanta, GA-30342	Paper Service	No
Woldt	Kristi	Airadigm Communications, Inc.	Suite 50B, 100 West College Avenue, Appleton, WI-54911	Paper Service	No