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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2475

02/23/2012 Authored by Hoppe, Draskowski, O'Driscoll, LeMieur, Fabian and others
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

A bill for an act

1.1 relating to telecommunications; streamlining telecommunications regulations;
1.2 modifying and updating civil penalties, rate regulations, regulatory requirements;
1.3 and technical provisions; appropriating money; proposing coding for new law as
1.4 Minnesota Statutes, chapter 237A; repealing Minnesota Statutes 2010, sections
1.5 237.01, subdivisions 1, 3, 4, 6, 7, 8; 237.011; 237.012; 237.02; 237.03; 237.035;
1.6 237.036; 237.04; 237.05; 237.06; 237.065; 237.066; 237.067; 237.068; 237.069;
1.7 237.07; 237.071; 237.072; 237.075, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11;
1.8 237.076; 237.081, subdivisions 1, 1a, 2, 4, 5; 237.082; 237.09; 237.10; 237.101;
1.9 237.11; 237.115; 237.12; 237.121; 237.14; 237.15; 237.155; 237.16, subdivisions
1.10 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13; 237.162; 237.163; 237.164; 237.17; 237.18;
1.11 237.19; 237.20; 237.21; 237.22; 237.23; 237.231; 237.24; 237.25; 237.26;
1.12 237.27; 237.28; 237.295; 237.30; 237.33; 237.34; 237.35; 237.36; 237.37;
1.13 237.38; 237.39; 237.40; 237.411; 237.414; 237.435; 237.44; 237.45; 237.46;
1.14 237.461, subdivisions 1, 2, 4; 237.47; 237.49; 237.491; 237.50, subdivisions 1,
1.15 3, 4, 4a, 5, 6, 6a, 7, 8, 9, 10, 11; 237.51, subdivisions 1, 5, 5a; 237.52; 237.53,
1.16 subdivisions 1, 2, 3, 4, 5, 6, 7; 237.54, subdivision 2; 237.55; 237.56; 237.57;
1.17 237.59, subdivisions 1, 1a, 2, 3, 4, 5, 6, 8, 9, 10; 237.60, subdivisions 3, 4; 237.61;
1.18 237.626; 237.64; 237.66, subdivisions 1, 1a, 1c, 1d, 2, 2a, 3; 237.661; 237.662;
1.19 237.663; 237.665; 237.67; 237.681; 237.69, subdivisions 1, 5, 11, 12, 13, 14,
1.20 15, 16, 17; 237.70, subdivisions 1, 2, 3, 4a, 5, 6, 7; 237.701; 237.71; 237.711;
1.21 237.73; 237.74; 237.75; 237.76; 237.761; 237.762; 237.763; 237.764; 237.765;
1.22 237.766; 237.767; 237.768; 237.769; 237.770; 237.771; 237.772; 237.773,
1.23 subdivisions 1, 2, 3, 4; 237.774; 237.775; 237.79; 237.80; 237.81; 237.82;
1.24 237.83; Minnesota Rules, parts 7810.3200; 7810.3300; 7810.4100; 7810.4300;
1.25 7810.4900; 7810.5000; 7810.5100; 7810.5200; 7810.5300; 7810.5400;
1.26 7810.5500; 7810.5800; 7810.5900; 7810.6000; 7810.6100; 7810.6400;
1.27 7810.6600; 7810.6700; 7810.6800; 7810.8600; 7810.8605; 7810.8610;
1.28 7810.8615; 7810.8620; 7810.8625, subparts 1, 2, 3, 4, 6; 7810.8630, subparts 1,
1.29 2, 3, 4, 5, 7, 8, 9, 10; 7810.8635; 7810.8640; 7810.8645; 7810.8650; 7810.8655;
1.30 7810.8660; 7810.8665; 7810.8670; 7810.8675; 7810.8680; 7810.8685;
1.31 7810.8690; 7810.8700; 7810.8705; 7810.8710; 7810.8715; 7810.8720;
1.32 7810.8725; 7810.8730; 7810.8735; 7810.8805; 7810.8810; 7810.8815.

1.34 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.35 Section 1. **[237A.01] DEFINITIONS.**

2.1 Subdivision 1. **Generally.** For purposes of this chapter, the following terms have
2.2 the meanings given.

2.3 Subd. 2. **Interconnected Voice over Internet Protocol Services (VoIP).**

2.4 "Interconnected Voice over Internet Protocol Services" or "VoIP" means a service that:

2.5 (1) enables real-time, two-way voice communications;

2.6 (2) requires a broadband connection from the user's location;

2.7 (3) requires Internet protocol-compatible customer premises equipment (CPE); and

2.8 (4) permits users generally to receive calls that originate on the public switched
2.9 telephone network and to terminate calls to the public switched telephone network.

2.10 Subd. 3. **Commercial mobile service.** "Commercial mobile service" means a
2.11 service as defined in United States Code, title 47, section 332(d)(1).

2.12 Subd. 4. **Basic telecommunications service.** (a) "Basic telecommunications
2.13 service" means retail, stand-alone residential telephone exchange service that is:

2.14 (1) wireline-telecommunications service provided to and purchased by a residential
2.15 end user;

2.16 (2) not part of a package of features, services, or products;

2.17 (3) not part of a customer-specific contract; and

2.18 (4) not sold in a promotion or otherwise offered at a discounted price.

2.19 (b) Basic telecommunications service includes each of the following:

2.20 (1) voice-grade access to the public switched telephone network;

2.21 (2) dual-tone multifrequency signaling and single-party telecommunications service;

2.22 (3) access to:

2.23 (i) emergency services, including 911 and enhanced 911 where available;

2.24 (ii) local operator services;

2.25 (iii) local directory assistance;

2.26 (iv) telephone relay services; and

2.27 (v) interexchange service, regardless of the interexchange carrier selected; and

2.28 (4) toll service blocking.

2.29 Subd. 5. **Commission.** "Commission" means the Public Utilities Commission.

2.30 Subd. 6. **Competitive local exchange carrier or CLEC.** "Competitive local

2.31 exchange carrier" or "CLEC" means a local exchange carrier who was granted a certificate
2.32 of authority to provide service after February 8, 1996.

2.33 Subd. 7. **Eligible telecommunications carrier.** "Eligible telecommunications
2.34 carrier" or "ETC" means a common carrier designated as an eligible telecommunications
2.35 carrier to receive universal service support in accordance with United States Code, title
2.36 254.

3.1 Subd. 8. **End user.** "End user" means a retail customer of a telecommunications
3.2 provider.

3.3 Subd. 9. **Exchange access.** "Exchange access" means the offering of switched
3.4 access to telephone exchange services or facilities for the purpose of the origination or
3.5 termination of telephone toll services within the state.

3.6 Subd. 10. **Incumbent local exchange carrier or ILEC.** "Incumbent local exchange
3.7 carrier" or "ILEC" means a local exchange carrier who was granted a certificate of
3.8 authority to provide service before February 8, 1996, including any successors or assigns
3.9 of the carrier that provides wireline telephone exchange service.

3.10 Subd. 11. **Interexchange carrier.** "Interexchange carrier" means a provider of
3.11 interexchange services.

3.12 Subd. 12. **Interexchange service.** "Interexchange service" means the access and
3.13 transmission of communications between two or more local exchange areas, except
3.14 for two-way switched communications between local exchanges that are grouped for
3.15 extended area service.

3.16 Subd. 13. **InterLATA.** "InterLATA" means telecommunications between a point
3.17 located in a local access and transport area and a point located outside that area.

3.18 Subd. 14. **IntraLATA.** "IntraLATA" means telecommunications between a point
3.19 located in a local access and transport area and a point located inside that area.

3.20 Subd. 15. **Intrastate access service.** "Intrastate access service" means exchange
3.21 access services and special access services within the state.

3.22 Subd. 16. **Local access and transport area or LATA.** "Local access and transport
3.23 area" or "LATA" has the meaning given it in United States Code, title 47, section 153,
3.24 paragraph (25).

3.25 Subd. 17. **Local exchange carrier or LEC.** "Local exchange carrier" or "LEC"
3.26 means any person that is engaged in the provision of telephone exchange service or
3.27 exchange access and includes competitive local exchange carriers and incumbent local
3.28 exchange carriers.

3.29 Subd. 18. **Nonbasic telecommunications service.** "Nonbasic telecommunications
3.30 service" means all retail telecommunications services that are not defined as basic
3.31 telecommunications service, including any telecommunication services that are not
3.32 commercially available on the effective date of this chapter.

3.33 Subd. 19. **Person.** "Person" includes a natural person, individual, trustee,
3.34 partnership, joint venture, joint-stock company, trust, organization, municipality,
3.35 association, limited liability company, corporation, cooperative, or other legal or
3.36 commercial entity.

4.1 Subd. 20. **Regulated services.** "Regulated services" are basic residential services,
 4.2 intrastate-interexchange services, and intrastate switched access services.

4.3 Subd. 21. **Retail telecommunications service.** "Retail telecommunications service"
 4.4 means basic telecommunications service and nonbasic telecommunications service offered
 4.5 by a telecommunications provider to its end users.

4.6 Subd. 22. **Telecommunications.** "Telecommunications" means the transmission,
 4.7 between or among points specified by the user, of information of the user's choosing,
 4.8 without change in the form or content of the information as sent and received.

4.9 Subd. 23. **Telecommunications service.** "Telecommunications service" means the
 4.10 offering of telecommunications for a fee directly to the public, or to such classes of users
 4.11 as to be effectively available directly to the public, regardless of the facilities used.

4.12 Subd. 24. **Telecommunications provider.** "Telecommunications provider" means
 4.13 a person or entity that offers any telecommunications service as defined in this chapter,
 4.14 including local exchange carriers and interexchange services.

4.15 Subd. 25. **Telephone exchange service.** "Telephone exchange service" means:

4.16 (1) service within a telephone exchange, or within a connected system of
 4.17 telephone exchanges within the same exchange area operated to furnish to subscribers
 4.18 intercommunicating service of the character ordinarily furnished by a single exchange,
 4.19 and which is covered by the exchange service charge; or

4.20 (2) comparable service provided through a system of switches, transmission
 4.21 equipment, or other facilities, or combination thereof, by which a subscriber can originate
 4.22 and terminate a telecommunications service.

4.23 Subd. 26. **Wholesale telecommunications service.** "Wholesale telecommunications
 4.24 service" means:

4.25 (1) any telecommunications service offered under an interconnection agreement
 4.26 between an ILEC and a CLEC pursuant to sections 251 and 252 of the 1996 Act; or

4.27 (2) intrastate access service.

4.28 Subd. 27. **1996 Act.** "1996 Act" means the federal Telecommunications Act of
 4.29 1996, Public Law 104-104, United States Code, title 47, section 151 et seq.

4.30 **Sec. 2. [237A.02] TELECOMMUNICATIONS GOALS.**

4.31 The following are state goals that should be considered as the commission executes
 4.32 its regulatory duties with respect to telecommunication services:

4.33 (1) supporting universal service;

4.34 (2) maintaining just and reasonable rates;

- 5.1 (3) encouraging economically efficient deployment of infrastructure for higher speed
 5.2 telecommunication services and greater capacity for voice, video, and data transmission;
 5.3 (4) encouraging fair and reasonable competition for local exchange telephone
 5.4 service in a competitively neutral regulatory manner;
 5.5 (5) maintaining or improving quality of service;
 5.6 (6) promoting customer choice;
 5.7 (7) ensuring consumer protections are maintained in the transition to a competitive
 5.8 market for local telecommunications service; and
 5.9 (8) encouraging voluntary resolution of issues between and among competing
 5.10 providers and discouraging litigation.

5.11 **Sec. 3. [237A.03] BROADBAND GOALS.**

5.12 Subdivision 1. **Universal access and high-speed goal.** It is a goal of the state of
 5.13 Minnesota that as soon as possible, but no later than 2015, all state residents and businesses
 5.14 have access to high-speed broadband that provides minimum download speeds of ten to
 5.15 20 megabits per second and minimum upload speeds of five to ten megabits per second.

5.16 Subd. 2. **State broadband leadership position.** It is a goal of the state of Minnesota
 5.17 that by 2015 and thereafter, the state be in:

- 5.18 (1) the top five states of the United States for broadband speed universally accessible
 5.19 to residents and businesses;
 5.20 (2) the top five states for broadband access; and
 5.21 (3) the top 15 when compared to countries globally for broadband penetration.

5.22 Subd. 3. **Annual reports.** The MPUC must annually, by February 10, report on the
 5.23 achievement of the goals under subdivisions 1 and 2 to the chairs and ranking minority
 5.24 members of the legislative committees with primary jurisdiction over telecommunication
 5.25 issues. The report on goals under subdivision 1 must be made through 2015.

5.26 **Sec. 4. [237A.04] JURISDICTION OF COMMISSION, DEPARTMENT, AND**
 5.27 **ATTORNEY GENERAL.**

5.28 Subdivision 1. **Commission jurisdiction under this chapter.** (a) Notwithstanding
 5.29 any other provision of this chapter, the commission may exercise all authority expressly
 5.30 granted to it by Minnesota or federal law, and all authority expressly delegated to
 5.31 the commission by the Federal Communications Commission, with respect to any
 5.32 telecommunications provider concerning:

6.1 (1) wholesale telecommunications services in Minnesota, by means of the
 6.2 arbitration, approval, and enforcement of interconnection agreements in accordance with,
 6.3 and subject to, sections 251 and 252 of the 1996 Act;

6.4 (2) the terms, conditions, rates, and charges applicable to intrastate access service
 6.5 within Minnesota;

6.6 (3) basic telecommunications services;

6.7 (4) the telecommunications access Minnesota (TAM) program and Minnesota
 6.8 telephone assistance program (TAP);

6.9 (5) administration of dialing codes and numbering issues under Minnesota or federal
 6.10 law;

6.11 (6) designation of eligible telecommunications carriers under United States Code,
 6.12 title 47, section 214, and administration of state or federal universal service or high-cost
 6.13 funds; and

6.14 (7) the annual reporting of jurisdictional revenues by telecommunications service
 6.15 providers and advanced services providers for the purpose of assessments under section
 6.16 237A.36.

6.17 (b) The commission does not have jurisdiction or authority for entities who have
 6.18 elected to be subject to chapter 237A, beyond the authority expressly granted in this
 6.19 chapter, including but not limited to, rates and charges, terms and conditions of service,
 6.20 filing of schedules or tariffs, market entry or exit, depreciation requirements, quality of
 6.21 service, long-term financing arrangements or other obligations, asset sales, mergers or
 6.22 acquisitions, or any other matter that was within the jurisdiction of the commission before
 6.23 the effective date of this section.

6.24 Subd. 2. **Department of Commerce authority.** Except for the authority expressly
 6.25 delegated to it in this chapter, the Department of Commerce does not have oversight over,
 6.26 or authority with respect to, any of the matters governed by this chapter.

6.27 **Sec. 5. [237A.05] WIRE CROSSING OR PARALLELING UTILITY LINE;**
 6.28 **RULES.**

6.29 (a) The commission shall determine and promulgate reasonable rules covering the
 6.30 maintenance and operation, also the nature, location, and character of the construction to
 6.31 be used, where telephone, telegraph, electric light, power, or other electric wires of any
 6.32 kind, or any natural gas pipelines, cross, or more or less parallel the lines of any railroad,
 6.33 or any other similar public service corporation; and, to this end, shall formulate and from
 6.34 time to time, issue general rules covering each class of construction, maintenance, and
 6.35 operation of such telephone, telegraph, telecommunications, cable, fiber optic, electric

7.1 wire, or natural gas pipeline crossing, or paralleling, under the various conditions existing;
 7.2 and the commission, upon the complaint of any person, railroad, municipal utility,
 7.3 cooperative electric association, telephone company, telecommunications carrier, cable
 7.4 company, fiber optic carrier, or other public utility claiming to be injuriously affected
 7.5 or subjected to hazard by any such crossing or paralleling lines constructed or about
 7.6 to be constructed, shall, after a hearing, make such order and prescribe such terms and
 7.7 conditions for the construction, maintenance, and operation of the lines in question
 7.8 as may be just and reasonable.

7.9 (b) The commission may, upon request of any municipal utility, electric cooperative
 7.10 association, public utility, telephone company, telecommunications carrier, cable company,
 7.11 or fiber optic carrier, determine the just and reasonable charge which a railroad, or
 7.12 owner of an abandoned railroad right-of-way, other than the state or a regional railroad
 7.13 authority, can prescribe for a new or existing crossing of a railroad right-of-way by any
 7.14 telephone, telegraph, telecommunications, cable, fiber optic, electric, or gas line, or new
 7.15 or existing telephone, telegraph, telecommunications, cable, fiber optic, electric, or gas
 7.16 line more or less paralleling a railroad right-of-way, based on the diminution in value
 7.17 caused by the crossing or paralleling of the right-of-way by the telephone, telegraph,
 7.18 telecommunications, cable, fiber optic, electric, or gas line. This section shall not be
 7.19 construed to eliminate the right of a public utility, municipal utility, or electric cooperative
 7.20 association to have any of the foregoing issues determined pursuant to an eminent domain
 7.21 proceeding commenced under chapter 117. Unless the railroad, or owner of an abandoned
 7.22 railroad right-of-way, other than the state or a regional railroad authority, asserts in writing
 7.23 that the proposed crossing or paralleling is a serious threat to the safe operations of the
 7.24 railroad or to the current use of the railroad right-of-way, a crossing can be constructed
 7.25 following filing of the requested action with the commission, pending review of the
 7.26 requested action by the commission.

7.27 (c) The commission shall assess the cost of reviewing the requested action, and of
 7.28 determining a just and reasonable charge, equally among the parties.

7.29 (d) For the purposes of this section, "parallel" or "paralleling" means that the
 7.30 relevant utility facilities run adjacent to and alongside the lines of a railroad for no more
 7.31 than one mile, or another distance agreed to by the parties, before the utility facilities cross
 7.32 the railroad lines, terminate, or exit the railroad right-of-way.

7.33 **Sec. 6. [237A.06] ALTERNATIVE REGULATION PLANS TERMINATED.**

7.34 On the effective date of the election of a local exchange carrier, any alternative
 7.35 regulation plan entered into pursuant to Minnesota Statutes 2010, chapter 237,

8.1 automatically terminates in its entirety with respect to all services subject to the plan
8.2 and has no force or effect.

8.3 **Sec. 7. [237A.07] WHOLESALE TELECOMMUNICATIONS SERVICES.**

8.4 Subdivision 1. **Authority generally.** With respect to wholesale telecommunications
8.5 services under this chapter, the commission has the authority set forth in this section.

8.6 Subd. 2. **Interconnection.** With respect to interconnection between incumbent local
8.7 exchange carriers and competitive local exchange carriers:

8.8 (a) In imposing any requirements on incumbent local exchange carriers, concerning
8.9 interconnection with the facilities and equipment of other local exchange carriers, the
8.10 resale of telecommunications service, or unbundled access to network elements of an
8.11 incumbent local exchange carrier for purposes of section 251, subsection (c), of the 1996
8.12 Act, the commission shall act in accordance with, and shall not exceed the authority
8.13 delegated to the commission under, applicable federal laws and regulations including,
8.14 without limitation, sections 251 and 252 of the 1996 Act.

8.15 (b) Subject to any regulations that may be adopted by the Federal Communications
8.16 Commission, this chapter does not limit or otherwise affect the commission's authority:

8.17 (1) to mediate or arbitrate disputes involving local exchange carriers in accordance
8.18 with sections 251 and 252 of the 1996 Act; or

8.19 (2) to approve an interconnection agreement or an incumbent local exchange
8.20 carrier's statement of terms and conditions under section 252 of the 1996 Act.

8.21 **Sec. 8. [237A.08] SCHEDULES, TARIFFS, AND INDIVIDUAL CONTRACTS.**

8.22 Subdivision 1. **Filing requirements.** Except as set forth in this section,
8.23 telecommunications providers are not required to maintain or file any schedule, tariff,
8.24 contract, or agreement with the commission.

8.25 Subd. 2. **General provisions applicable to all tariffs.** Any tariff filed with the
8.26 commission in accordance with this chapter must include all terms, conditions, rates, and
8.27 charges that apply to the services specified in the tariff.

8.28 Subd. 3. **Required tariff.** (a) The telecommunications services described in
8.29 this subdivision require the filing of a tariff. Any tariff required to be filed under this
8.30 subdivision must be referred to as a required tariff.

8.31 (b) Any local exchange carrier that offers intrastate access services shall maintain on
8.32 file with the commission a tariff containing the terms, conditions, rates, and charges that
8.33 the local exchange carrier has established for such intrastate access services.

9.1 (c) Every local exchange carrier that provides basic telecommunications service
 9.2 shall maintain on file with the commission a tariff containing the terms, conditions, rates,
 9.3 and charges for that service.

9.4 (d) Subject to any applicable notice to end users required by this chapter, a required
 9.5 tariff becomes effective 30 days after it is filed with the commission.

9.6 (e) A person who objects to a required tariff shall file an objection with the
 9.7 commission within 20 days of the filing of the required tariff. The objection shall state
 9.8 the legal and factual grounds for the objection and all evidence offered in support of the
 9.9 objection. The person filing the required tariff may reply to the objection within five
 9.10 days of the filing of the objection.

9.11 (f) The commission shall review the required tariff, the objection, and the reply
 9.12 within 60 days of the filing of the required tariff and shall issue an order approving the
 9.13 required tariff or order that a contested case hearing be conducted under chapter 14.

9.14 Subd. 4. **Individual contracts permitted; no filing requirement.** Notwithstanding
 9.15 any other provision of this chapter, a telecommunications provider may enter into an
 9.16 individual contract for providing retail or wholesale telecommunications services, except
 9.17 for intrastate switched access services. The contract may include, without limitation,
 9.18 services that are subject to a tariff filed under this section that includes terms, conditions,
 9.19 rates, and changes that are different from those in the telecommunications provider's
 9.20 tariff. Except as required by federal or state law, any individual contract is not subject
 9.21 to any filing or notice requirement including, without limitation, a requirement that the
 9.22 contract be filed with the commission.

9.23 **Sec. 9. [237A.09] CERTIFICATION, REGISTRATION, AND MAPPING.**

9.24 Subdivision 1. **Application for certificate of authority; fee.** (a) Before a
 9.25 telecommunications provider may offer regulated services to end users in Minnesota, the
 9.26 telecommunications provider must receive a certificate of authority from the commission.
 9.27 The commission shall issue a certificate of authority within 30 days after receipt of a
 9.28 completed application. A telecommunications provider seeking a certificate of authority
 9.29 under this chapter shall submit an application on a form prescribed by the commission. The
 9.30 form must require the telecommunications provider to provide the following information:

9.31 (1) the legal name of the telecommunications provider and any name under which
 9.32 the telecommunications provider does or will do business in Minnesota, as authorized
 9.33 by the secretary of state;

9.34 (2) a certification from the secretary of state authorizing the telecommunications
 9.35 provider to do business in Minnesota;

10.1 (3) the address and telephone number of the telecommunications provider, along
10.2 with contact information for the person responsible for ongoing communications with
10.3 the commission;

10.4 (4) the legal name, address, and telephone number of the parent company of the
10.5 telecommunications provider, if any;

10.6 (5) a description of each service area in Minnesota in which the telecommunications
10.7 provider proposes to offer telecommunications service;

10.8 (6) a list of other states in which the telecommunications provider offers
10.9 telecommunications service, including the type of telecommunications service offered; and

10.10 (7) information demonstrating the financial, managerial, and technical ability of the
10.11 telecommunications provider to provide telecommunications service in Minnesota.

10.12 (b) At the time of filing an application under this section, the commission may
10.13 collect a filing fee from the applicant, not to exceed \$300.

10.14 Subd. 2. **Interconnected VoIP provider registration.** (a) Interconnected VoIP
10.15 providers shall register with the commission within 60 days after beginning operation by
10.16 submitting a registration form. The form must require the interconnected VoIP service
10.17 provider to provide the following information:

10.18 (1) the legal name of the interconnected VoIP provider and any name under which it
10.19 does or will do business in Minnesota, as authorized by the secretary of state;

10.20 (2) a certification from the secretary of state authorizing the interconnected VoIP
10.21 provider to do business in Minnesota;

10.22 (3) the address and telephone number of the interconnected VoIP provider, along
10.23 with contact information for the person responsible for ongoing communications with
10.24 the commission; and

10.25 (4) a description of the services being provided by the interconnected VoIP provider
10.26 in Minnesota.

10.27 (b) The registration requirement in paragraph (a) does not apply to any
10.28 interconnected VoIP provider that:

10.29 (1) is also a telecommunications provider; and

10.30 (2) has received a certificate of authority from the commission under this chapter.

10.31 Subd. 3. **Map.** Every local exchange carrier authorized to provide telephone
10.32 exchange service under this chapter shall file and maintain a territorial map.

10.33 Subd. 4. **Compensation.** Telephone companies providing long-distance telephone
10.34 services shall pay compensation to telephone companies providing local telephone
10.35 services that includes a fair and reasonable portion of:

11.1 (1) the costs of local exchange facilities used in connection with long-distance
 11.2 telephone services, including facilities connecting a customer to local switching facilities;
 11.3 and

11.4 (2) the common costs of companies providing local telephone services.

11.5 Subd. 5. **Discontinuance.** (a) In the event that an interexchange carrier fails to pay
 11.6 full compensation to a local exchange carrier and a valid dispute has not been registered
 11.7 between the companies, the local exchange carrier may discontinue accepting traffic
 11.8 from that interexchange carrier if the local exchange carrier provides notice of intent to
 11.9 disconnect the interexchange carrier to the commission.

11.10 (b) Any person objecting to the discontinuance must file an objection with the
 11.11 commission within 20 days.

11.12 (c) The commission will investigate and ascertain whether public convenience
 11.13 requires continued service to the interexchange carrier and if the commission so finds,
 11.14 the commission shall fix the compensation, terms, and conditions of the continuance of
 11.15 service between the companies.

11.16 (d) Unless the commission issues an order upholding the objection within 30 days
 11.17 of its filing, it will be deemed overruled.

11.18 Subd. 6. **Price for interconnection or network element.** For telephone companies
 11.19 with more than 50,000 access lines, the prices for interconnection or network elements to
 11.20 be established by the commission in any pending or future proceeding shall be based on a
 11.21 forward-looking economic cost methodology which shall include, but is not limited to,
 11.22 consideration of the following:

11.23 (1) the use of the most efficient telecommunications technology currently available
 11.24 and the least cost network configuration, given the existing location of the incumbent
 11.25 telephone company's wire centers;

11.26 (2) forward-looking depreciation rates;

11.27 (3) a reasonable allocation of forward-looking joint and common costs;

11.28 (4) forward-looking cost of capital; and

11.29 (5) Minnesota tax rates, and where applicable, Minnesota facility placement
 11.30 requirements, Minnesota topography, and Minnesota climate.

11.31 **Sec. 10. [237A.10] LOCAL EXCHANGE COMPETITION, RULES.**

11.32 Subdivision 1. **Universal service fund.** The commission shall establish and
 11.33 require contributions to a universal service fund, to be supported by all providers of
 11.34 telecommunications services, including, but not limited to, ILECs, CLECs, interexchange
 11.35 carriers, municipal telephone companies, Internet protocol-enabled service providers,

12.1 interconnected VoIP providers, telecommunications carriers, radio common carriers,
 12.2 personal communication service providers, and cellular carriers.

12.3 Subd. 2. **Services included in fund.** Services that should be considered as services
 12.4 on which universal service fund contributions will be calculated include, at a minimum,
 12.5 the revenue received from providing: telephone exchange service; telecommunications
 12.6 service; advanced services including video telecommunications but not other video
 12.7 services; Internet protocol-enabled services including video telecommunications but not
 12.8 other video services; intrastate interexchange service; and intrastate access service.

12.9 Subd. 3. **Fund administration.** The fund must be administered and distributed
 12.10 in accordance with rules adopted by the commission and in accordance with the cost
 12.11 calculations developed by the Federal Communications Commission in CAF Phase II
 12.12 model. The fund must be designed to preserve the availability of universal service and to
 12.13 enhance the deployment of broadband services throughout the state. Support distributed
 12.14 from any state universal service fund will be based on the cost of providing universal
 12.15 service and broadband service in a targeted geographic area, such as an exchange or
 12.16 wire center. Any state universal service fund must be coordinated with any federal
 12.17 universal service fund and be consistent with section 245(b)(1) to (5) of the federal
 12.18 Telecommunications Act of 1996, Public Law 104-104.

12.19 Sec. 11. **[237A.11] ANNUAL UNIVERSAL SERVICE FUNDING**
 12.20 **CERTIFICATION.**

12.21 In determining whether to provide the annual certification of any eligible
 12.22 telecommunications carrier for continued receipt of federal universal service funding, the
 12.23 commission shall apply the same standards and criteria to all eligible telecommunications
 12.24 carriers, as those standards and criteria are set by the Federal Communications
 12.25 Commission.

12.26 Sec. 12. **[237A.12] PUBLIC RIGHT-OF-WAY; DEFINITIONS.**

12.27 Subdivision 1. **Generally.** The terms used in this section and section 237A.13 have
 12.28 the meanings given to them in this section.

12.29 Subd. 2. **Local government unit.** "Local government unit" means a county, home
 12.30 rule charter or statutory city, or town.

12.31 Subd. 3. **Public right-of-way.** "Public right-of-way" means the area on, below, or
 12.32 above a public roadway, highway, street, cartway, bicycle lane, and public sidewalk in
 12.33 which the local government unit has an interest, including other dedicated rights-of-way
 12.34 for travel purposes and utility easements of local government units.

13.1 A public right-of-way does not include the airwaves above a public right-of-way
 13.2 with regard to cellular or other nonwire telecommunications or broadcast service.

13.3 Subd. 4. **Telecommunications right-of-way user.** "Telecommunications
 13.4 right-of-way user" means a person owning or controlling a facility in the public
 13.5 right-of-way, or seeking to own or control a facility in the public right-of-way, that is
 13.6 used or is intended to be used for transporting telecommunications or other voice or data
 13.7 information. A cable communication system defined and regulated under chapter 238, and
 13.8 telecommunications activities related to providing natural gas or electric energy services,
 13.9 whether provided by a public utility as defined in section 216B.02, a municipality, a
 13.10 municipal gas or power agency organized under chapter 453 or 453A, or a cooperative
 13.11 electric association organized under chapter 308A, are not telecommunications
 13.12 right-of-way users for the purposes of this section and section 237A.13.

13.13 Subd. 5. **Excavate.** "Excavate" means to dig into or in any way remove, physically
 13.14 disturb, or penetrate a part of a public right-of-way.

13.15 Subd. 6. **Obstruct.** "Obstruct" means to place a tangible object in a public
 13.16 right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

13.17 Subd. 7. **Right-of-way permit.** "Right-of-way permit" means a permit to perform
 13.18 work in a public right-of-way, whether to excavate or obstruct the right-of-way.

13.19 Subd. 8. **Manage the public right-of-way.** "Manage the public right-of-way"
 13.20 means the authority of a local government unit to do any or all of the following:

13.21 (1) require registration;

13.22 (2) require construction performance bonds and insurance coverage;

13.23 (3) establish installation and construction standards;

13.24 (4) establish and define location and relocation requirements for equipment and
 13.25 facilities;

13.26 (5) establish coordination and timing requirements;

13.27 (6) require telecommunications right-of-way users to submit, for right-of-way
 13.28 projects commenced after May 10, 1997, whether initiated by a local government unit or
 13.29 any telecommunications right-of-way user, project data reasonably necessary to allow the
 13.30 local government unit to develop a right-of-way mapping system, such as a geographical
 13.31 information mapping system;

13.32 (7) require telecommunication right-of-way users to submit, upon request of a local
 13.33 government unit, existing data on the location of the user's facilities occupying the public
 13.34 right-of-way within the local government unit. The data may be submitted in the form
 13.35 maintained by the user and in a reasonable time after receipt of the request based on the
 13.36 amount of data requested;

14.1 (8) establish right-of-way permitting requirements for street excavation and
 14.2 obstruction;

14.3 (9) establish removal requirements for abandoned equipment or facilities, if required
 14.4 in conjunction with other right-of-way repair, excavation, or construction; and

14.5 (10) impose reasonable penalties for unreasonable delays in construction.

14.6 **Subd. 9. Management costs or rights-of-way management costs.** "Management
 14.7 costs" or "rights-of-way management costs" means the actual costs a local government unit
 14.8 incurs in managing its public rights-of-way, and includes such costs, if incurred, as those
 14.9 associated with registering applicants; issuing, processing, and verifying right-of-way
 14.10 permit applications; inspecting job sites and restoration projects; maintaining, supporting,
 14.11 protecting, or moving user equipment during public right-of-way work; determining
 14.12 the adequacy of right-of-way restoration; restoring work inadequately performed after
 14.13 providing notice and the opportunity to correct the work; and revoking right-of-way
 14.14 permits. Management costs do not include payment by a telecommunications right-of-way
 14.15 user for the use of the public right-of-way, the fees and cost of litigation relating to the
 14.16 interpretation of this section or section 237A.13 or any ordinance enacted under those
 14.17 sections, or the local unit of government's fees and costs related to appeals taken pursuant
 14.18 to section 237A.13, subdivision 5.

14.19 **Sec. 13. [237A.13] USE AND REGULATION OF PUBLIC RIGHT-OF-WAY.**

14.20 **Subdivision 1. Legislative finding.** The legislature finds, and establishes the
 14.21 principle that, it is in the state's interest that the use and regulation of public rights-of-way
 14.22 be carried on in a fair, efficient, competitively neutral, and substantially uniform manner,
 14.23 while recognizing such regulation must reflect the distinct engineering, construction,
 14.24 operation, maintenance and public and worker safety requirements, and standards
 14.25 applicable to various users of public rights-of-way. Because of the potential for installation
 14.26 by telecommunication companies of multiple and competing facilities within the public
 14.27 rights-of-way, the legislature finds it is necessary to enact the provisions of this section
 14.28 and section 237A.12 to specifically authorize local government units to regulate the use of
 14.29 public rights-of-way by telecommunications right-of-way users.

14.30 **Subd. 2. Generally.** (a) Subject to this section, a telecommunications right-of-way
 14.31 user authorized to do business under the laws of this state or by license of the Federal
 14.32 Communications Commission may construct, maintain, and operate conduit, cable,
 14.33 switches, and related appurtenances and facilities along, across, upon, above, and under
 14.34 any public right-of-way.

15.1 (b) Subject to this section, a local government unit has the authority to manage its
15.2 public rights-of-way and to recover its rights-of-way management costs. The authority
15.3 defined in this section may be exercised at the option of the local government unit. The
15.4 exercise of this authority is not mandated under this section. A local government unit
15.5 may, by ordinance:

15.6 (1) require a telecommunications right-of-way user seeking to excavate or obstruct a
15.7 public right-of-way for the purpose of providing telecommunications services to obtain a
15.8 right-of-way permit to do so and to impose permit conditions consistent with the local
15.9 government unit's management of the right-of-way;

15.10 (2) require a telecommunications right-of-way user using, occupying, or seeking
15.11 to use or occupy a public right-of-way for the purpose of providing telecommunications
15.12 services to register with the local government unit by providing the local government unit
15.13 with the following information:

15.14 (i) the applicant's name, gopher state one-call registration number under section
15.15 216D.03, address, and telephone and facsimile numbers;

15.16 (ii) the name, address, and telephone and facsimile numbers of the applicant's local
15.17 representative;

15.18 (iii) proof of adequate insurance; and

15.19 (iv) other information deemed reasonably necessary by the local government unit for
15.20 the efficient administration of the public right-of-way; and

15.21 (3) require telecommunications right-of-way users to submit to the local government
15.22 unit plans for construction and major maintenance that provide reasonable notice to the
15.23 local government unit of projects that the telecommunications right-of-way user expects
15.24 to undertake that may require excavation and obstruction of public rights-of-way.

15.25 (c) A local government unit may also require a telecommunications right-of-way
15.26 user that is registered with the local government unit pursuant to paragraph (b), clause (2),
15.27 to periodically update the information in its registration application.

15.28 Subd. 3. **Restoration.** (a) A telecommunications right-of-way user, after an
15.29 excavation of a public right-of-way, shall provide for restoration of the right-of-way and
15.30 surrounding areas, including the pavement and its foundation, in the same condition that
15.31 existed before the excavation. Local government units that choose to perform their own
15.32 surface restoration required as a result of the excavation may require telecommunications
15.33 right-of-way users to reimburse the reasonable costs of that surface restoration. Restoration
15.34 of the public right-of-way must be completed within the dates specified in the right-of-way
15.35 permit, unless the permittee obtains a waiver or a new or amended right-of-way permit.

16.1 (b) If a telecommunications right-of-way user elects not to restore the public
 16.2 right-of-way, a local government unit may impose a degradation fee in lieu of restoration
 16.3 to recover costs associated with a decrease in the useful life of the public right-of-way
 16.4 caused by the excavation of the right-of-way by a telecommunications right-of-way user.

16.5 (c) A telecommunications right-of-way user that disturbs uncultivated sod in the
 16.6 excavation or obstruction of a public right-of-way shall plant grasses that are native to
 16.7 Minnesota and, wherever practicable, that are of the local ecotype, as part of the restoration
 16.8 required under this subdivision, unless the owner of the real property over which the public
 16.9 right-of-way traverses objects. In restoring the right-of-way, the telecommunications
 16.10 right-of-way user shall consult with the Department of Natural Resources regarding the
 16.11 species of native grasses that conform to the requirements of this paragraph.

16.12 Subd. 4. **Permit denial or revocation.** (a) A local government unit may deny any
 16.13 application for a right-of-way permit if the telecommunications right-of-way user does not
 16.14 comply with a provision of this section.

16.15 (b) A local government unit may deny an application for a right-of-way permit if the
 16.16 local government unit determines that the denial is necessary to protect the health, safety,
 16.17 and welfare or when necessary to protect the public right-of-way and its current use.

16.18 (c) A local government unit may revoke a right-of-way permit granted to a
 16.19 telecommunications right-of-way user, with or without fee refund, in the event of a
 16.20 substantial breach of the terms and conditions of statute, ordinance, rule, or regulation or
 16.21 any material condition of the permit. A substantial breach by a permittee includes, but
 16.22 is not limited to, the following:

16.23 (1) a material violation of a provision of the right-of-way permit;

16.24 (2) an evasion or attempt to evade any material provision of the right-of-way permit,
 16.25 or the perpetration or attempt to perpetrate any fraud or deceit upon the local government
 16.26 unit or its citizens;

16.27 (3) a material misrepresentation of fact in the right-of-way permit application;

16.28 (4) a failure to complete work in a timely manner, unless a permit extension is
 16.29 obtained or unless the failure to complete work is due to reasons beyond the permittee's
 16.30 control; and

16.31 (5) a failure to correct, in a timely manner, work that does not conform to applicable
 16.32 standards, conditions, or codes, upon inspection and notification by the local government
 16.33 unit of the faulty condition.

16.34 (d) Subject to this subdivision, a local government unit may not deny an
 16.35 application for a right-of-way permit for failure to include a project in a plan submitted
 16.36 to the local government unit under subdivision 2, paragraph (b), clause (3), when the

17.1 telecommunications right-of-way user has used commercially reasonable efforts to
17.2 anticipate and plan for the project.

17.3 (e) In no event may a local government unit unreasonably withhold approval of an
17.4 application for a right-of-way permit, or unreasonably revoke a permit.

17.5 Subd. 5. **Appeal.** A telecommunications right-of-way user that: (1) has been denied
17.6 registration; (2) has been denied a right-of-way permit; (3) has had its right-of-way permit
17.7 revoked; or (4) believes that the fees imposed on the user by the local government unit
17.8 do not conform to the requirements of subdivision 6, may have the denial, revocation,
17.9 or fee imposition reviewed, upon written request, by the governing body of the local
17.10 government unit. The governing body of the local government unit shall act on a timely
17.11 written request at its next regularly scheduled meeting. A decision by the governing body
17.12 affirming the denial, revocation, or fee imposition must be in writing and supported by
17.13 written findings establishing the reasonableness of the decision.

17.14 Subd. 6. **Fees.** (a) A local government unit may recover its right-of-way
17.15 management costs by imposing a fee for registration, a fee for each right-of-way permit,
17.16 or, when appropriate, a fee applicable to a particular telecommunications right-of-way
17.17 user when that user causes the local government unit to incur costs as a result of actions or
17.18 inactions of that user. A local government unit may not recover from a telecommunications
17.19 right-of-way user costs caused by another entity's activity in the right-of-way.

17.20 (b) Fees, or other right-of-way obligations, imposed by a local government unit on
17.21 telecommunications right-of-way users under this section must be:

17.22 (1) based on the actual costs incurred by the local government unit in managing
17.23 the public right-of-way;

17.24 (2) based on an allocation among all users of the public right-of-way, including the
17.25 local government unit itself, which shall reflect the proportionate costs imposed on the
17.26 local government unit by each of the various types of uses of the public rights-of-way;

17.27 (3) imposed on a competitively neutral basis; and

17.28 (4) imposed in a manner so that aboveground uses of public rights-of-way do not
17.29 bear costs incurred by the local government unit to regulate underground uses of public
17.30 rights-of-way.

17.31 (c) The rights, duties, and obligations regarding the use of the public right-of-way
17.32 imposed under this section must be applied to all users of the public right-of-way,
17.33 including the local government unit while recognizing regulation must reflect the
17.34 distinct engineering, construction, operation, maintenance and public and worker safety
17.35 requirements, and standards applicable to various users of the public rights-of-way.
17.36 For users subject to the franchising authority of a local government unit, to the extent

18.1 those rights, duties, and obligations are addressed in the terms of an applicable franchise
18.2 agreement, the terms of the franchise shall prevail over any conflicting provision in an
18.3 ordinance.

18.4 Subd. 7. **Additional right-of-way provisions.** (a) In managing the public
18.5 rights-of-way and in imposing fees under this section, no local government unit may:

18.6 (1) unlawfully discriminate among telecommunications right-of-way users;

18.7 (2) grant a preference to any telecommunications right-of-way user;

18.8 (3) create or erect any unreasonable requirement for entry to the public rights-of-way
18.9 by telecommunications right-of-way users; or

18.10 (4) require a telecommunications right-of-way user to obtain a franchise or pay
18.11 for the use of the right-of-way.

18.12 (b) A telecommunications right-of-way user need not apply for or obtain
18.13 right-of-way permits for facilities that are located in public rights-of-way on May 10,
18.14 1997, for which the user has obtained the required consent of the local government
18.15 unit, or that are otherwise lawfully occupying the public right-of-way. However, the
18.16 telecommunications right-of-way user may be required to register and to obtain a
18.17 right-of-way permit for an excavation or obstruction of existing facilities within the public
18.18 right-of-way after May 10, 1997.

18.19 (c) Data and documents exchanged between a local government unit and a
18.20 telecommunications right-of-way user are subject to the terms of chapter 13. A local
18.21 government unit not complying with this paragraph is subject to the penalties set forth in
18.22 section 13.08.

18.23 (d) A local government unit may not collect a fee imposed under this section through
18.24 the provision of in-kind services by a telecommunications right-of-way user, nor may a
18.25 local government unit require the provision of in-kind services as a condition of consent to
18.26 use the local government unit's public right-of-way.

18.27 Subd. 8. **Uniform statewide standards.** (a) To ensure the safe and convenient use
18.28 of public rights-of-way in the state, the Public Utilities Commission shall develop and
18.29 adopt by June 1, 1999, statewide construction standards for the purposes of achieving
18.30 substantial statewide uniformity in construction standards where appropriate, providing
18.31 competitive neutrality among telecommunications right-of-way users, and permitting
18.32 efficient use of technology. The standards shall govern:

18.33 (1) the terms and conditions of right-of-way construction, excavation, maintenance,
18.34 and repair; and

18.35 (2) the terms and conditions under which telecommunications facilities and
18.36 equipment are placed in the public right-of-way.

19.1 (b) The Public Utilities Commission is authorized to review, upon complaint by
 19.2 an aggrieved telecommunications right-of-way user, a decision or regulation by a local
 19.3 government unit that is alleged to violate a statewide standard.

19.4 (c) A local unit of government may not adopt an ordinance or other regulation
 19.5 that conflicts with a standard adopted by the commission for the purposes described in
 19.6 paragraph (a).

19.7 Sec. 14. **[237A.14] COMBINED LOCAL ACCESS SURCHARGE.**

19.8 Subdivision 1. Local exchange carriers. Each local exchange carrier shall collect
 19.9 from each subscriber an amount per telephone access line representing the total of the
 19.10 surcharges required under sections 237A.18, 237A.29, and 403.11. Amounts collected
 19.11 must be remitted to the commissioner of public safety in the manner prescribed in section
 19.12 403.11. The commissioner of public safety shall divide the amounts received and deposit
 19.13 them in the appropriate accounts. The commissioner of public safety may recover from
 19.14 the agencies receiving the surcharges the personnel and administrative costs to collect and
 19.15 distribute the surcharge. A carrier or the billing agent for a carrier shall list the surcharges
 19.16 as one amount on a billing statement sent to a subscriber.

19.17 Subd. 2. Interconnected Voice over Internet Protocol (VoIP) providers.
 19.18 Interconnected VoIP providers shall collect from each end user an amount per Minnesota
 19.19 telephone number assigned to end user's account representing the total of the surcharges
 19.20 required under sections 237A.18, 237A.29, and 403.11. Amounts collected must be
 19.21 remitted to the commissioner of public safety in the manner prescribed in section 403.11.
 19.22 The commissioner of public safety shall divide the amounts received and deposit them
 19.23 in the appropriate accounts. The commissioner of public safety may recover from the
 19.24 agencies receiving the surcharges the personnel and administrative costs to collect and
 19.25 distribute the surcharge. An interconnected VoIP provider or its billing agent shall list the
 19.26 surcharges as one amount on a billing statement sent to a subscriber.

19.27 Sec. 15. **[237A.15] COMBINED PER NUMBER FEE.**

19.28 Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this
 19.29 section.

19.30 (b) "911 emergency and public safety communications program" means the program
 19.31 governed by chapter 403.

19.32 (c) "Minnesota telephone number" means a ten-digit telephone number being used
 19.33 to connect to the public switched telephone network and starting with area code 218, 320,
 19.34 507, 612, 651, 763, or 952, or any subsequent area code assigned to this state.

20.1 (d) "Service provider" means a provider doing business in this state who provides
 20.2 real-time, two-way voice service with a Minnesota telephone number.

20.3 (e) "Telecommunications access Minnesota program" means the program governed
 20.4 by sections 237A.16 to 237A.21.

20.5 (f) "Telephone assistance program" means the program governed by sections
 20.6 237A.28 to 237A.30.

20.7 Subd. 2. **Per number fee.** (a) Annually, the commission will set the fee at a level
 20.8 calculated to generate only the amount of revenue necessary to fund:

20.9 (1) the telephone assistance program and the telecommunications access Minnesota
 20.10 program at the levels established by the commission under sections 237A.18, subdivision
 20.11 2, and 237A.29; and

20.12 (2) the 911 emergency and public safety communications program at the levels
 20.13 appropriated by law to the commissioner of public safety and the commissioner of
 20.14 management and budget for purposes of sections 403.11, 403.113, 403.27, 403.30, and
 20.15 403.31 for each fiscal year.

20.16 (b) The recommendations must include any changes to Minnesota Statutes necessary
 20.17 to establish the procedures whereby each service provider, to the extent allowed under
 20.18 federal law, would collect and remit the fee proceeds to the commissioner of revenue. The
 20.19 commissioner of revenue would allocate the fee proceeds to the three funding areas in
 20.20 paragraph (a) and credit the allocations to the appropriate accounts.

20.21 (c) The per access line fee used to collect revenues to support the TAP, TAM, and
 20.22 911 programs remains in effect until the statutory changes necessary to implement the per
 20.23 telephone number fee have been enacted into law and taken effect.

20.24 (d) As part of the process of developing the surcharge amount required under
 20.25 paragraph (a), the commission must, at a minimum, consult regularly with the Departments
 20.26 of Public Safety, Management and Budget, and Administration; service providers;
 20.27 the chairs and ranking minority members of the senate and house of representatives
 20.28 committees; subcommittees; and divisions having jurisdiction over telecommunications
 20.29 and public safety; and other affected parties.

20.30 **Sec. 16. [237A.16] DEFINITIONS.**

20.31 Subdivision 1. **Scope.** The terms used in sections 237A.16 to 237A.22 have the
 20.32 meanings given them in this section.

20.33 Subd. 2. **Communication device.** "Communication device" means a device that
 20.34 when connected to a telephone enables a communication-impaired person to communicate
 20.35 with another person utilizing the telephone system. A communication device includes a

21.1 ring signaler, an amplification device, a telephone device for the deaf, a Braille device
 21.2 for use with a telephone, and any other device the Department of Human Services deems
 21.3 necessary.

21.4 Subd. 3. **Communication impaired.** "Communication impaired" means certified
 21.5 as deaf, severely hearing impaired, hard-of-hearing, speech impaired, deaf and blind, or
 21.6 mobility impaired if the mobility impairment significantly impedes the ability to use
 21.7 standard customer premises equipment.

21.8 Subd. 4. **Deaf.** "Deaf" means a hearing impairment of such severity that the
 21.9 individual must depend primarily upon visual communication such as writing, lip reading,
 21.10 manual communication, and gestures.

21.11 Subd. 5. **Fund.** "Fund" means the telecommunications access Minnesota fund
 21.12 established in section 237A.18.

21.13 Subd. 6. **Hard-of-hearing.** "Hard-of-hearing" means a hearing impairment
 21.14 resulting in a functional loss, but not to the extent that the individual must depend
 21.15 primarily upon visual communication.

21.16 Subd. 7. **Telecommunication relay service.** "Telecommunication relay
 21.17 service" means a central statewide service through which a communication-impaired
 21.18 person, using a communication device, may send and receive messages to and from
 21.19 a non-communication-impaired person whose telephone is not equipped with a
 21.20 communication device and through which a non-communication-impaired person
 21.21 may, by using voice communication, send and receive messages to and from a
 21.22 communication-impaired person.

21.23 Sec. 17. **[237A.17] TELECOMMUNICATIONS ACCESS MINNESOTA**
 21.24 **PROGRAM ADMINISTRATION.**

21.25 Subdivision 1. **Creation.** The commission shall:

21.26 (1) administer through interagency agreement with the commissioner
 21.27 of human services a program to distribute communication devices to eligible
 21.28 communication-impaired persons; and

21.29 (2) contract with a qualified vendor that serves communication-impaired persons
 21.30 to create and maintain a telecommunication relay service.

21.31 For purposes of sections 237A.17 to 237A.22, the commission and any organization with
 21.32 which it contracts pursuant to this section or section 237A.20 are not telephone companies
 21.33 or telecommunications carriers as defined in section 237A.01.

21.34 Subd. 2. **Duties of commission.** In addition to any duties specified elsewhere in
 21.35 sections 237A.17 to 237A.22, the commission shall:

22.1 (1) prepare the reports required by section 237A.21; and

22.2 (2) administer the fund created in section 237A.18.

22.3 Subd. 3. **Department of Human Services duties.** (a) In addition to any duties
 22.4 specified elsewhere in sections 237A.17 to 237A.22, the commissioner of human services
 22.5 shall:

22.6 (1) define economic hardship, special needs, and household criteria so as to
 22.7 determine the priority of eligible applicants for initial distribution of devices and to
 22.8 determine circumstances necessitating provision of more than one communication device
 22.9 per household;

22.10 (2) establish a method to verify eligibility requirements;

22.11 (3) establish specifications for communication devices to be purchased under section
 22.12 237A.19, subdivision 3; and

22.13 (4) inform the public and specifically the community of communication-impaired
 22.14 persons of the program.

22.15 (b) The commissioner may establish an advisory board to advise the department
 22.16 in carrying out the duties specified in this section and to advise the commissioner of
 22.17 commerce in carrying out duties under section 237A.20. If so established, the advisory
 22.18 board must include, at a minimum, the following communication-impaired persons:

22.19 (1) at least one member who is deaf;

22.20 (2) at least one member who is speech impaired;

22.21 (3) at least one member who is mobility impaired; and

22.22 (4) at least one member who is hard-of-hearing.

22.23 The membership terms, compensation, and removal of members and the filling of
 22.24 membership vacancies are governed by section 15.059. Advisory board meetings shall be
 22.25 held at the discretion of the commissioner.

22.26 Sec. 18. **[237A.18] TELECOMMUNICATIONS ACCESS MINNESOTA FUND.**

22.27 Subdivision 1. **Fund established.** A telecommunications access Minnesota fund is
 22.28 established as an account in the state treasury. Earnings, such as interest, dividends, and
 22.29 any other earnings arising from fund assets, must be credited to the fund.

22.30 Subd. 2. **Assessment.** (a) The executive secretary of the commission, the
 22.31 commissioner of employment and economic development, and the commissioner of
 22.32 human services shall annually recommend to the commission an adequate and appropriate
 22.33 surcharge and budget to implement sections 237A.16 to 237A.22, 248.062, and 256C.30,
 22.34 respectively. The maximum annual budget for section 248.062 must not exceed \$100,000
 22.35 and for section 256C.30 must not exceed \$300,000. The Public Utilities Commission

23.1 shall review the budgets for reasonableness and may modify the budget to the extent it is
23.2 unreasonable. The commission shall annually determine the funding mechanism to be
23.3 used within 60 days of receipt of the recommendation of the departments and shall order
23.4 the imposition of surcharges effective on the earliest practicable date. The commission
23.5 shall establish a monthly charge no greater than 20 cents for each customer access line,
23.6 including trunk equivalents as designated by the commission pursuant to section 403.11,
23.7 subdivision 1, or per Minnesota telephone number.

23.8 (b) If the fund balance falls below a level capable of fully supporting all programs
23.9 eligible under subdivision 5 and sections 248.062 and 256C.30, expenditures under
23.10 sections 248.062 and 256C.30 shall be reduced on a pro rata basis and expenditures under
23.11 sections 237A.19 and 237A.20 shall be fully funded. Expenditures under sections 248.062
23.12 and 256C.30 shall resume at fully funded levels when the commissioner of commerce
23.13 determines there is a sufficient fund balance to fully fund those expenditures.

23.14 Subd. 3. **Collection.** Every local exchange company, interexchange carrier,
23.15 and interconnected VoIP provider that provides service capable of originating a
23.16 telecommunications relay call, including cellular communications and other nonwire
23.17 access services, in this state shall collect the charges established by the commission
23.18 under subdivision 2 and transfer amounts collected to the commissioner of public
23.19 safety in the same manner as provided in section 403.11, subdivision 1, paragraph (d).
23.20 The commissioner of public safety must deposit the receipts in the fund established in
23.21 subdivision 1.

23.22 Subd. 4. **Appropriation.** Money in the fund is appropriated to the commission
23.23 to implement sections 237A.17 to 237A.22, to the commissioner of employment and
23.24 economic development to implement section 248.062, and to the commissioner of human
23.25 services to implement section 256C.30.

23.26 Subd. 5. **Expenditures.** (a) Money in the fund may only be used for:

23.27 (1) expenses of the commission, including personnel cost, public relations, advisory
23.28 board members' expenses, preparation of reports, and other reasonable expenses not to
23.29 exceed ten percent of total program expenditures;

23.30 (2) reimbursing the commissioner of human services for purchases made or services
23.31 provided pursuant to section 237A.19;

23.32 (3) reimbursing eligible telecommunications providers for purchases made or
23.33 services provided under section 237A.19, subdivision 5; and

23.34 (4) contracting for establishment and operation of the telecommunication relay
23.35 service required by section 237A.20.

24.1 (b) All costs directly associated with the establishment of the program, the purchase
 24.2 and distribution of communication devices, and the establishment and operation of the
 24.3 telecommunication relay service are either reimbursable or directly payable from the fund
 24.4 after authorization by the commissioner of commerce. The commission shall contract
 24.5 with the message relay service operator to indemnify the local exchange carriers of
 24.6 the relay service for any fines imposed by the Federal Communications Commission
 24.7 related to the failure of the relay service to comply with federal service standards.
 24.8 Notwithstanding section 16A.41, the commission may advance money to the contractor of
 24.9 the telecommunication relay service if the contractor establishes to the commissioner's
 24.10 satisfaction that the advance payment is necessary for the operation of the service. The
 24.11 advance payment may be used only for working capital reserve for the operation of the
 24.12 service. The advance payment must be offset or repaid by the end of the contract fiscal
 24.13 year together with interest accrued from the date of payment.

24.14 Sec. 19. **[237A.19] COMMUNICATION DEVICE.**

24.15 Subdivision 1. **Application.** A person applying for a communication device
 24.16 under this section must apply to the program administrator on a form prescribed by the
 24.17 Department of Human Services.

24.18 Subd. 2. **Eligibility.** To be eligible to obtain a communication device under this
 24.19 section, a person must be:

24.20 (1) able to benefit from and use the equipment for its intended purpose;

24.21 (2) communication impaired;

24.22 (3) a resident of the state;

24.23 (4) a resident in a household that has a median income at or below the applicable
 24.24 median household income in the state, except a deaf and blind person applying for a
 24.25 telebraille unit may reside in a household that has a median income no more than 150
 24.26 percent of the applicable median household income in the state; and

24.27 (5) a resident in a household that has telephone service or that has made application
 24.28 for service and has been assigned a telephone number; or a resident in a residential care
 24.29 facility, such as a nursing home or group home where telephone service is not included as
 24.30 part of overall service provision.

24.31 Subd. 3. **Distribution.** The commissioner of human services shall purchase and
 24.32 distribute a sufficient number of communication devices so that each eligible household
 24.33 receives an appropriate device. The commissioner of human services shall distribute the
 24.34 devices to eligible households in each service area free of charge as determined under
 24.35 section 237A.17, subdivision 3.

25.1 Subd. 4. **Training; maintenance.** The commissioner of human services shall
 25.2 maintain the communication devices until the warranty period expires, and provide
 25.3 training, without charge, to first-time users of the devices.

25.4 Subd. 5. **Wiring installation.** If a communication-impaired person is not served by
 25.5 telephone service and is subject to economic hardship as determined by the Department
 25.6 of Human Services, the telephone company providing local service shall at the direction
 25.7 of the administrator of the program install necessary outside wiring without charge to
 25.8 the household.

25.9 Subd. 6. **Ownership.** All communication devices purchased pursuant to subdivision
 25.10 3 will become the property of the state of Minnesota.

25.11 Subd. 7. **Standards.** The communication devices distributed under this section must
 25.12 comply with the electronic industries association standards and approved by the Federal
 25.13 Communications Commission. The commissioner of human services must provide each
 25.14 eligible person a choice of several models of devices, the retail value of which may not
 25.15 exceed \$600 for a communication device for the deaf, and a retail value of \$7,000 for a
 25.16 telebraille device, or an amount authorized by the Department of Human Services for a
 25.17 telephone device for the deaf with auxiliary equipment.

25.18 **Sec. 20. [237A.20] TELECOMMUNICATION RELAY SERVICE.**

25.19 (a) The commission shall contract with a qualified vendor for the operation and
 25.20 maintenance of the telecommunication relay system.

25.21 (b) The telecommunication relay service provider shall operate the relay service
 25.22 within the state of Minnesota. The operator of the system shall keep all messages
 25.23 confidential, shall train personnel in the unique needs of communication-impaired people,
 25.24 and shall inform communication-impaired persons and the public of the availability
 25.25 and use of the system. Except in the case of a speech- or mobility-impaired person,
 25.26 the operator shall not relay a message unless it originates or terminates through a
 25.27 communication device for the deaf or a Braille device for use with a telephone.

25.28 **Sec. 21. [237A.21] ANNUAL REPORT ON COMMUNICATION ACCESS.**

25.29 The commission must prepare a report for public presentation by January 31
 25.30 of each year. Each report must review the accessibility of the telephone system to
 25.31 communication-impaired persons, review the ability of non-communication-impaired
 25.32 persons to communicate with communication-impaired persons via the telephone system,
 25.33 describe services provided, account for money received and disbursed annually for each
 25.34 aspect of the program to date, and include predicted future operation.

26.1 Sec. 22. **[237A.22] ADEQUATE SERVICE ENFORCEMENT.**

26.2 The services required to be provided under sections 237A.16 to 237A.21 may be
 26.3 enforced under section 237A.38 upon a complaint of at least two communication-impaired
 26.4 persons within the service area of any one telephone company, provided that if only one
 26.5 person within the service area of a company is receiving service under sections 237A.16
 26.6 to 237A.21, the commission may proceed upon a complaint from that person.

26.7 Sec. 23. **[237A.23] ANTISLAMMING.**

26.8 Subdivision 1. **Antislamming duties of local telephone company.** If a customer
 26.9 elects, the local exchange carrier serving the customer shall not process a request to serve
 26.10 the customer by another telecommunications provider without prior authorization from
 26.11 the customer. If a customer has not elected to exercise the right to prior authorization,
 26.12 the company may process a request to serve the customer by another telecommunications
 26.13 carrier.

26.14 Subd. 2. **Antislamming duties of soliciting carrier.** (a) A telecommunications
 26.15 carrier may request that the local exchange carrier serving a customer process a change
 26.16 in that customer's interexchange services provider, if the customer has authorized the
 26.17 change either orally or in writing signed by the customer. Prior to requesting a change in a
 26.18 customer's interexchange services provider, the carrier must confirm:

26.19 (1) the customer's identity with information unique to the customer, unless the
 26.20 customer refused to provide identifying information, then that fact should be noted;

26.21 (2) that the customer has been informed of the offering made by the carrier;

26.22 (3) that the customer understands that the customer is being requested to change
 26.23 interexchange service providers;

26.24 (4) that the customer has the authority to authorize the change; and

26.25 (5) that the customer agrees to the change.

26.26 (b) After requesting the change in interexchange service provider, the carrier must:

26.27 (1) notify the customer in writing that the request has been processed; and

26.28 (2) be able to produce, upon complaint by the customer, evidence that the carrier
 26.29 verified the authorization by the customer to change the customer's interexchange service
 26.30 provider. If the carrier used a negative checkoff verification procedure as defined in
 26.31 subdivision 4, paragraph (c), the evidence must include a tape recording of the initial
 26.32 oral authorization.

26.33 Subd. 3. **Penalty for slamming.** If the carrier is not able to present, upon complaint
 26.34 by the customer, evidence that complies with subdivision 2, paragraph (b), clause (2), the

27.1 change to the service of the carrier is deemed to be unauthorized from the date the carrier
 27.2 requested the change. In that event, the carrier shall:

27.3 (1) bear all costs of immediately returning the customer to the service of the
 27.4 customer's original service provider; and

27.5 (2) bear all costs of serving that customer during the period of unauthorized service.

27.6 Subd. 4. **Verification procedures; evidence of authorization.** (a) Customer
 27.7 authorization for a change in the customer's interexchange service provider may be
 27.8 verified using a verification procedure that complies with federal law or regulation.

27.9 Except as provided in paragraph (b), the requirement that the carrier be able to produce
 27.10 evidence of customer authorization is satisfied if the carrier uses a federally authorized
 27.11 verification procedure.

27.12 (b) If a federal law or regulation authorizes a carrier to use negative checkoff
 27.13 verification procedures, and the carrier does so, the carrier must be able to produce a tape
 27.14 recording of the initial oral authorization by the customer to change long-distance service
 27.15 providers as evidence of the authorization. The initial oral authorization must include
 27.16 confirmation of the items listed in subdivision 2, paragraph (a).

27.17 (c) "Negative checkoff" means a verification procedure that consists of:

27.18 (1) an initial oral authorization by the customer to change long-distance service
 27.19 providers; and

27.20 (2) a mailing to the customer by the soliciting interexchange service provider
 27.21 regarding the change in service providers that informs the customer that if the customer
 27.22 fails to cancel the change in service providers, the change will be deemed authorized and
 27.23 verified.

27.24 Sec. 24. **[237A.24] NOTICE AND DISCLOSURE REQUIREMENTS OF**
 27.25 **LONG-DISTANCE PROVIDERS.**

27.26 Subdivision 1. **Information required.** When contacted by a customer regarding
 27.27 the purchase of long-distance telecommunications services, or when soliciting customers
 27.28 via mail or telephone, a provider of long-distance services shall provide the customer
 27.29 with the following information, if the service is being offered to the customer, about the
 27.30 service offering either orally or in writing:

27.31 (1) the price or range of prices of interstate message toll service accessed by dialing
 27.32 "1+" or "10-xxx," including any difference in prices for evening, night, or weekend calls;

27.33 (2) the price or range of prices of intrastate interLATA message toll service accessed
 27.34 by dialing "1+" or "10-xxx," including any difference in prices for evening, night, or
 27.35 weekend calls;

28.1 (3) the price or range of prices of intrastate intraLATA message toll service accessed
 28.2 by dialing "1+" or "10-xxx," including any difference in prices for evening, night, or
 28.3 weekend;

28.4 (4) any minimum volume requirements, fixed flat fees, service charges, surcharges,
 28.5 termination charges, or other non-service-specific charges, including the fact that the
 28.6 provider of local service may charge a onetime fee for changing carriers; and

28.7 (5) any special promotional rate or promotional offering related to the services or
 28.8 prices described in clauses (1) to (4), including any limitations or restrictions on the
 28.9 promotional rates or offerings.

28.10 Subd. 2. **Price, terms, and restrictions in writing.** If a customer agrees to
 28.11 purchase telecommunications services from the provider of interexchange services on a
 28.12 presubscription basis, the provider shall send the customer written information regarding
 28.13 services subscribed to, containing:

28.14 (1) the information regarding prices and charges described in subdivision 1, clauses
 28.15 (1) to (5);

28.16 (2) the price for calls placed with a calling card issued to the customer by the
 28.17 provider and any surcharge for placing calls with a calling card;

28.18 (3) the price for calls charged to the customer when a personal "1-800" number for
 28.19 long-distance services issued to the customer by the provider is used; and

28.20 (4) the price of directory assistance calls.

28.21 This written information must be sent to the customer within seven business days
 28.22 from the date of the verification of the customer's authorization, unless federal law or
 28.23 regulation requires notice to be sent by an earlier date.

28.24 Sec. 25. **[237A.25] LOADING.**

28.25 (a) Except as provided in paragraph (b) or (c), a local exchange carrier shall not
 28.26 charge a subscriber, as defined in section 325F.692, for a telecommunications service that
 28.27 is not required by the commission to be offered and for which the subscriber did not
 28.28 explicitly contract.

28.29 (b) If a charge is assessed on a per-use basis for a service described in paragraph
 28.30 (a), the charge must be applied as a credit to the subscriber's next monthly bill, if the
 28.31 subscriber notifies the local exchange carrier that the subscriber did not utilize the service
 28.32 or did not authorize the utilization of the service.

28.33 (c) A local exchange carrier that receives a notification from a subscriber under
 28.34 paragraph (b) shall inform the subscriber of the ability to block the services from future
 28.35 use by the subscriber, and shall block the services from future use by the subscriber, if the

29.1 subscriber so requests. If a subscriber requests that the carrier or company not block the
29.2 service or later requests to have the block lifted, the subscriber shall be responsible for
29.3 charges caused by the future utilization of that service. The carrier or company may not
29.4 charge a recurring fee for blocking the service.

29.5 Sec. 26. **[237A.26] PROHIBITION AGAINST BILLING FOR UNAUTHORIZED**
29.6 **CHARGES.**

29.7 (a) A local exchange carrier shall not include on a customer's bill a charge for goods
29.8 or services on behalf of a third-party service provider unless the third-party service
29.9 provider has obtained the customer's prior express authorization to include such charges
29.10 on the customer's bill.

29.11 (b) If a customer of a local exchange carrier notifies the local exchange carrier that
29.12 an unauthorized charge from a third-party service provider has been included on the
29.13 customer's bill, then the local exchange carrier shall remove the unauthorized charge. The
29.14 local exchange carrier shall credit to the customer any amounts paid for the unauthorized
29.15 charges that were billed by the local exchange carrier during the six months prior to
29.16 the customer's complaint, unless the third-party service provider can produce within 14
29.17 calendar days of the complaint evidence to the customer and the local exchange carrier of
29.18 prior express authorization by the customer.

29.19 (c) A third-party service provider meets the prior express authorization requirements
29.20 of this section only if it obtains or receives a customer's written authorization in the form
29.21 of a letter of agency, a customer's oral authorization verified by an independent third party,
29.22 or a copy of an e-mail notice of verification as described in clause (3).

29.23 (1) If the third-party service provider obtains the customer's written authorization in
29.24 the form of a letter of agency, it must be a separate or easily separable document. The
29.25 sole purpose of the letter of agency shall be to authorize a charge for goods or services to
29.26 appear on the customer's telephone bill. The letter of agency must be of sufficient size to
29.27 be clearly legible and must contain clear and unambiguous language that contains separate
29.28 statements for each good or service for which the customer is agreeing to be billed. The
29.29 letter of agency must be signed and dated by the customer.

29.30 (2) If the customer's authorization is oral, the authorization must be verified by an
29.31 independent third-party verifier. The verification is valid only if:

29.32 (i) the independent third party confirms the customer's identity with information
29.33 unique to the customer unless the customer refuses, then that fact must be noted; and

29.34 (ii) the independent third party informs the customer that the customer is agreeing to
29.35 be billed for goods or services that will appear as a charge on the customer's telephone bill.

30.1 (3) If a customer enters a contract via the Internet with a third-party service provider
 30.2 for goods or services which are charged to the bill issued by the customer's local exchange
 30.3 carrier, the third-party service provider must, within 48 hours of receiving the customer's
 30.4 authorization, send the customer, via e-mail, a notice of verification confirming the
 30.5 authorization. The third-party service provider shall maintain a copy of the notice
 30.6 of verification for the duration of the contract as a record of the customer's express
 30.7 authorization to be charged for the goods or services on the customer's telephone bill for
 30.8 local service.

30.9 (d) For direct-dialed calls, where the call itself represents the service for which the
 30.10 charge is placed on a customer's local telephone bill, such as "900 number" services and
 30.11 "dial around" services, evidence that the call was placed from the number that is subject to
 30.12 the telephone bill shall be considered sufficient evidence of authorization for that call for
 30.13 billing authorization purposes established in this section. Nothing in this section shall be
 30.14 construed to change a telephone company's or telecommunication carrier's obligations or
 30.15 affect a telephone subscriber's rights under section 325F.692.

30.16 (e) This section does not apply to charges for collect calls.

30.17 (f) Nothing in this section restricts the right of a local exchange carrier to seek to
 30.18 recover from a third-party service provider unauthorized charges credited to the customer
 30.19 by the local exchange carrier.

30.20 Sec. 27. **[237A.27] PRIVATE SHARED SERVICES.**

30.21 **Subdivision 1. Definitions.** For the purposes of this section:

30.22 (1) "private shared services" means the provision of telephone services and
 30.23 equipment, the provision of video programming services, or the provision of broadband
 30.24 services within a user group located in discrete private premises, in building complexes,
 30.25 campuses, or high-rise buildings, by a commercial shared services provider or by a
 30.26 user association, through privately owned customer premises equipment and associated
 30.27 data processing and information management services and includes the provision
 30.28 of connections to the facilities of a local exchange and to interexchange telephone
 30.29 companies; and

30.30 (2) "property owner" means a person who owns or, under a contract with the owner,
 30.31 manages a building, property, complex, or other facility where private shared services
 30.32 are provided.

30.33 **Subd. 2. Requirements.** A property owner shall establish a single demarcation
 30.34 point for services and facilities provided by a local exchange carrier providing local
 30.35 exchange service in the area that is mutually agreeable to the property owner, commercial

31.1 shared services provider, and the telephone company. The obligation of a local exchange
31.2 carrier to provide service to a customer at a location where private shared services are
31.3 operating is limited to providing service and facilities up to the demarcation point
31.4 established for the property where the private shared services are operating. The property
31.5 owner may not (1) impose unreasonable restrictions on access to the demarcation point
31.6 on the premises by a telephone company or (2) discriminate against or in favor of an
31.7 occupant in any manner, including charging the occupant higher or lower rental charges,
31.8 because of the occupant's choice of local exchange carrier.

31.9 Subd. 3. **Access to alternative provider.** A tenant of a building, property,
31.10 complex, or other facility where private shared services are operating may establish a
31.11 direct connection to and receive telephone exchange service from a local exchange
31.12 carrier providing local exchange service in the area where the private shared services
31.13 are operating. At the request of a tenant where a private shared system is operated, the
31.14 property owner shall make its facilities or conduit space available to the tenant to allow
31.15 the tenant to make separate connection to and to receive telephone exchange service
31.16 directly from the local exchange carrier operating local exchange service in the area. The
31.17 tenant has the choice of installing the tenant's own facilities or using the property owner's
31.18 existing facilities. The property owner must provide its facilities or conduit space to the
31.19 tenant at a reasonable rate and on reasonable terms and conditions. It is the obligation of
31.20 the tenant to arrange for premises wire, cable, or other equipment necessary to connect the
31.21 tenant's telephone equipment with the facilities of the local exchange carrier operating
31.22 local exchange service at the location of the demarcation point.

31.23 Subd. 4. **Enforcement.** If the commission finds that a property owner has failed to
31.24 comply with a request under this section, the commission may order the property owner to
31.25 make its facilities or conduit space available sufficient to allow the tenant to make separate
31.26 connection with the telephone company, and provide the services at reasonable prices
31.27 and on reasonable terms and conditions.

31.28 Subd. 5. **Exemption.** A commercial shared services provider is exempt from
31.29 section 237A.10 if the private shared services are only provided to tenants or for the
31.30 provider's own use.

31.31 Subd. 6. **Service by local telephone company.** A telephone company providing
31.32 local exchange service shall provide service to any person in a property served by a
31.33 commercial shared services provider at the demarcation point within a reasonable time
31.34 upon request.

32.1 Subd. 7. **Obligation of property owners.** Nothing in this section requires a
 32.2 commercial shared services provider to share its wiring, cabling, or other facilities unless
 32.3 the commercial shared services provider is the property owner.

32.4 Sec. 28. **[237A.28] TELEPHONE ASSISTANCE PLAN; DEFINITIONS.**

32.5 Subdivision 1. **Scope.** The terms used in sections 237A.28 to 237A.30 have the
 32.6 meanings given them in this section.

32.7 Subd. 2. **Access line.** "Access line" means telephone company-owned facilities
 32.8 furnished to permit switched access to the telecommunications network that extend from
 32.9 a central office to the demarcation point on the property where the subscriber is served.
 32.10 The term includes access lines provided to residential and business subscribers, includes
 32.11 centrex access lines on a trunk-equivalent basis, but does not include private nonswitched
 32.12 or wide area telephone service access lines.

32.13 Subd. 3. **Commission.** "Commission" means the Minnesota Public Utilities
 32.14 Commission.

32.15 Subd. 4. **Disabled.** "Disabled" has the meaning given it in section 363A.03,
 32.16 subdivision 12.

32.17 Subd. 5. **Federal matching plan.** "Federal matching plan" means any telephone
 32.18 assistance plan formulated by the Federal Communications Commission that provides
 32.19 federal assistance to local telephone subscribers.

32.20 Subd. 6. **Fund.** "Fund" means the telephone assistance fund established in section
 32.21 237A.30.

32.22 Subd. 7. **Income.** For purposes of sections 237A.28 to 237A.30, income has the
 32.23 meaning given it in section 290A.03, subdivision 3.

32.24 Subd. 8. **Telephone assistance plan.** "Telephone assistance plan" means the plan
 32.25 to be adopted by the commission and to be jointly administered by the commission, the
 32.26 Department of Human Services, and local exchange carriers, as required by sections
 32.27 237A.28 to 237A.30.

32.28 Subd. 9. **Local exchange carrier.** "Local exchange carrier" has the meanings given
 32.29 it in section 237A.01, subdivision 17, that provides local exchange telephone service.

32.30 Sec. 29. **[237A.29] DEVELOPMENT OF TELEPHONE ASSISTANCE PLAN.**

32.31 Subdivision 1. **Commission responsibility.** The commission shall develop a
 32.32 telephone assistance plan under this section.

32.33 Subd. 2. **Scope.** The telephone assistance plan must be statewide and apply to local
 32.34 service providers that provide local exchange service in Minnesota.

33.1 Subd. 3. **Federal matching plan.** The telephone assistance plan must contain
33.2 adequate provisions to enable local exchange carriers to qualify for waiver of the federal
33.3 interstate access charge and to enable eligible subscribers to take advantage of the federal
33.4 matching plan.

33.5 Subd. 4. **Household eligible for credit.** The telephone assistance plan must provide
33.6 telephone assistance credit for a residential household in Minnesota that is eligible for the
33.7 federal Lifeline telephone service discount.

33.8 Subd. 5. **Nature and extent of credits.** The telephone assistance plan may provide
33.9 for telephone assistance credits to eligible households up to the amounts available under
33.10 the federal matching plan. However, the credits available under the telephone assistance
33.11 plan may not exceed:

33.12 (1) more than 50 percent of the local exchange rate charged for the local exchange
33.13 service provided to the household by that household's local service provider; and

33.14 (2) the level of credits that can actually be funded in accordance with the limitations
33.15 contained in subdivision 6.

33.16 Subd. 6. **Funding.** The commission shall provide for the funding of the telephone
33.17 assistance plan by assessing a uniform recurring monthly surcharge, not to exceed ten
33.18 cents per access line, or in the case of interconnected VoIP providers, not to exceed ten
33.19 cents per Minnesota telephone number provisioned per customer account, applicable to all
33.20 classes and grades of access lines provided by each local exchange carrier in the state.

33.21 Subd. 7. **Application, notice, financial administration, complaint investigation.**
33.22 The telephone assistance plan must be administered jointly by the commission and the
33.23 local service providers in accordance with the following guidelines:

33.24 (a) The commission shall develop an application form that must be completed by the
33.25 subscriber for the purpose of certifying eligibility for telephone assistance plan credits to
33.26 the local service provider. The application must contain the applicant's Social Security
33.27 number. Applicants who refuse to provide a Social Security number will be denied
33.28 telephone assistance plan credits. The application form must also include a statement that
33.29 the applicant household is currently eligible for one of the programs that confers eligibility
33.30 for the federal Lifeline Program. The application must be signed by the applicant,
33.31 certifying, under penalty of perjury, that the information provided by the applicant is true.

33.32 (b) Each local exchange carrier shall annually mail a notice of the availability of
33.33 the telephone assistance plan to each residential subscriber in a regular billing and shall
33.34 mail the application form to customers when requested.

33.35 The notice must state the following:

34.1 YOU MAY BE ELIGIBLE FOR ASSISTANCE IN PAYING YOUR TELEPHONE
34.2 BILL IF YOU RECEIVE BENEFITS FROM CERTAIN LOW-INCOME ASSISTANCE
34.3 PROGRAMS. FOR MORE INFORMATION OR AN APPLICATION FORM PLEASE
34.4 CONTACT

34.5 (c) An application may be made by the subscriber, the subscriber's spouse, or a
34.6 person authorized by the subscriber to act on the subscriber's behalf. On completing the
34.7 application certifying that the statutory criteria for eligibility are satisfied, the applicant
34.8 must return the application to the subscriber's local service provider. On receiving a
34.9 completed application from an applicant, the subscriber's local exchange carrier shall
34.10 provide telephone assistance plan credits against monthly charges in the earliest possible
34.11 month following receipt of the application. The applicant must receive telephone
34.12 assistance plan credits until the earliest possible month following the service provider's
34.13 receipt of information that the applicant is ineligible.

34.14 If the telephone assistance plan credit is not itemized on the subscriber's monthly
34.15 charges bill for local telephone service, the local service provider must notify the
34.16 subscriber of the approval for the telephone assistance plan credit.

34.17 (d) The commission shall serve as the coordinator of the telephone assistance plan
34.18 and be reimbursed for its administrative expenses from the surcharge revenue pool. As the
34.19 coordinator, the commission shall:

34.20 (1) establish a uniform statewide surcharge in accordance with subdivision 6;

34.21 (2) establish a uniform statewide level of telephone assistance plan credit that each
34.22 local exchange carrier shall extend to each eligible household in its service area;

34.23 (3) require each local exchange carrier and interconnected VoIP provider to account
34.24 to the commission on a periodic basis for surcharge revenues collected by the provider,
34.25 expenses incurred by the provider, not to include expenses of collecting surcharges, and
34.26 credits extended by the provider under the telephone assistance plan;

34.27 (4) require each local exchange carrier and interconnected VoIP provider to remit
34.28 surcharge revenues to the Department of Public Safety for deposit in the fund; and

34.29 (5) remit to each local exchange carrier from the surcharge revenue pool the amount
34.30 necessary to compensate the provider for expenses, not including expenses of collecting
34.31 the surcharges, and telephone assistance plan credits. When it appears that the revenue
34.32 generated by the maximum surcharge permitted under subdivision 6 will be inadequate to
34.33 fund any particular established level of telephone assistance plan credits, the commission
34.34 shall reduce the credits to a level that can be adequately funded by the maximum
34.35 surcharge. Similarly, the commission may increase the level of the telephone assistance

35.1 plan credit that is available or reduce the surcharge to a level and for a period of time that
 35.2 will prevent an unreasonable overcollection of surcharge revenues.

35.3 (e) Each local exchange carrier shall maintain adequate records of surcharge
 35.4 revenues, expenses, and credits related to the telephone assistance plan and shall, as part
 35.5 of its annual report or separately, provide the commission with a financial report of its
 35.6 experience under the telephone assistance plan for the previous year. That report must also
 35.7 be adequate to satisfy the reporting requirements of the federal matching plan.

35.8 (f) The commission shall investigate complaints against local service providers
 35.9 with regard to the telephone assistance plan.

35.10 **Sec. 30. [237A.30] TELEPHONE ASSISTANCE FUND; APPROPRIATION.**

35.11 Subdivision 1. **Fund created; authorized expenditures.** The telephone assistance
 35.12 fund is created as a separate account in the state treasury to consist of amounts received
 35.13 by the commissioner of public safety representing the surcharge authorized by section
 35.14 237A.29, subdivision 6, and amounts earned on the fund assets. Money in the fund may
 35.15 be used only for:

35.16 (1) reimbursement to local service providers for expenses and credits allowed in
 35.17 section 237A.29, subdivision 7, paragraph (d), clause (5);

35.18 (2) reimbursement of the reasonable administrative expenses of the commission,
 35.19 a portion of which may be used for periodic promotional activities, including, but not
 35.20 limited to, radio or newspaper advertisements, to inform eligible households of the
 35.21 availability of the telephone assistance program; and

35.22 (3) reimbursement of the statewide indirect cost of the commission.

35.23 Subd. 2. **Appropriation.** Money in the fund is appropriated to the commission to
 35.24 be disbursed pursuant to section 237A.29, subdivision 7.

35.25 **Sec. 31. [237A.31] SCOPE.**

35.26 To the extent they regulate telecommunications right-of-way users, sections
 35.27 237A.05, 237A.09, 237A.12, and 237A.13 supersede section 222.37, and any ordinance,
 35.28 regulation, or rule to the contrary.

35.29 **Sec. 32. [237A.32] DEFINITIONS; CALL LOCATION INFORMATION.**

35.30 Subdivision 1. **Scope.** The definitions in this section apply to section 237A.33.

35.31 Subd. 2. **Call location information.** "Call location information" means information
 35.32 indicating the geographical location of a telecommunications device.

35.33 Subd. 3. **Law enforcement agency.** "Law enforcement agency" means:

36.1 (1) a unit of state or local government that is authorized by law to grant full powers
 36.2 of arrest and to charge a person with the duties of preventing and detecting crime and
 36.3 enforcing the general criminal laws of the state; and

36.4 (2) subject to the limitations in section 626.93, a law enforcement agency of a
 36.5 federally recognized tribe, as defined in United States Code, title 25, section 450b(e).

36.6 Subd. 4. **Wireless telecommunications service provider.** "Wireless
 36.7 telecommunications service provider" means a provider of commercial mobile radio
 36.8 services, as that term is defined in United States Code, title 47, section 332, subsection
 36.9 (d), including all broadband personal communications services, wireless radio telephone
 36.10 services, geographic area specialized and enhanced specialized mobile radio services, and
 36.11 incumbent wide area specialized mobile radio licensees, that offers real-time, two-way
 36.12 voice service interconnected with the public switched telephone network and that is doing
 36.13 business in this state.

36.14 Sec. 33. **[237A.33] DISCLOSURE OF CALL LOCATION INFORMATION;**
 36.15 **EMERGENCY SITUATIONS.**

36.16 Subdivision 1. **Written request.** Upon receipt of a written request from a law
 36.17 enforcement agency stating that the disclosure of call location information is needed
 36.18 in an emergency situation that involves the risk of death or serious physical harm to
 36.19 a person who possesses a telecommunications device, a wireless telecommunications
 36.20 service provider shall provide the requested call location information concerning that
 36.21 device to the requesting agency.

36.22 Subd. 2. **Protocols.** A wireless telecommunications service provider shall establish
 36.23 protocols consistent with this section that govern its response to a request from a law
 36.24 enforcement agency under subdivision 1.

36.25 Subd. 3. **Cause of action limitation.** No cause of action shall lie in any court
 36.26 against a wireless telecommunications service provider, its officers, employees, agents,
 36.27 or other specified persons for providing call location information while acting in good
 36.28 faith and according to this section.

36.29 Subd. 4. **Provider contact information.** The Bureau of Criminal Apprehension
 36.30 shall obtain contact information for all wireless telecommunications service providers
 36.31 authorized to do business in Minnesota or submitting to the jurisdiction of this state in
 36.32 order to facilitate a request from a law enforcement agency for call location information
 36.33 under this section. The bureau shall disseminate this information on a quarterly basis, or
 36.34 immediately as changes occur, to all public safety answer points in the state.

37.1 Sec. 34. **[237A.34] MUNICIPAL COMMUNICATIONS SERVICES.**

37.2 Any municipality shall have the right to own and operate an exchange access within
 37.3 its own borders, subject to the provisions of this chapter. It may construct a plant, or
 37.4 purchase an existing plant by agreement with the owner, or where it cannot agree with
 37.5 the owner on price, it may acquire an existing plant by condemnation. In no case shall
 37.6 a municipality construct or purchase a plant or proceed to acquire an existing plant
 37.7 by condemnation until that action is authorized by a majority of the electors voting
 37.8 upon the proposition at a general election or a special election called for that purpose.
 37.9 If the proposal is to construct a new exchange where an exchange already exists, the
 37.10 municipality is not to be authorized to do so unless 65 percent of those voting vote in favor
 37.11 of the undertaking. A municipality that owns and operates an exchange access may enter
 37.12 into a joint venture as a partner or shareholder with a telecommunications organization to
 37.13 provide telecommunications services within its service area.

37.14 Sec. 35. **[237A.35] CONDEMNATION: NOTICE, COMPENSATION, APPEAL.**

37.15 When a municipality decides to acquire an existing plant by condemnation as
 37.16 provided in section 237A.34, it shall give notice to the commission. The commission
 37.17 shall determine the just compensation that the owner of the plant is entitled to receive
 37.18 from the municipality. Before deciding upon the compensation, the commission shall, at
 37.19 a public meeting that may be convened from time to time, hear all interested parties on
 37.20 the question involved. The commission shall by order fix the compensation and furnish a
 37.21 copy of its order to the municipality and to the telephone company concerned. A party
 37.22 may appeal to the district court of the county in which the plant is situated the part of the
 37.23 order fixing the compensation to be paid within 30 days. The appeal shall be tried the
 37.24 same as other appeals under this chapter. If not appealed, the order of the commission
 37.25 becomes final after 30 days.

37.26 Sec. 36. **[237A.36] ASSESSMENT OF REGULATORY EXPENSES.**

37.27 Subdivision 1. **Assessment of costs.** The commission shall quarterly, at least 30
 37.28 days before the start of each quarter, estimate the total of the commission's expenditures
 37.29 in the performance of the commission's duties relating to telecommunications providers
 37.30 and advanced services providers, other than amounts chargeable under subdivision 4.
 37.31 This amount must be assessed by the commission to the local exchange carriers and
 37.32 interexchange service providers operating in this state in proportion to their respective
 37.33 gross jurisdictional operating revenues during the last calendar year. The assessment must
 37.34 be paid into the state treasury within 30 days after the bill has been transmitted via mail,

38.1 personal delivery, or electronic service to the telecommunications providers. The bill
38.2 constitutes notice of the assessment and demand of payment. The total amount that may
38.3 be assessed to the local exchange carriers and interexchange service providers under this
38.4 subdivision may not exceed 3/32 of one percent of the total gross jurisdictional operating
38.5 revenues during the calendar year. The assessment for the third quarter of each fiscal
38.6 year shall be adjusted to compensate for the amount by which actual expenditures by
38.7 the commission for the preceding fiscal year were less than the estimated expenditures
38.8 previously assessed. A local exchange carrier or interexchange service provider with
38.9 gross jurisdictional operating revenues of less than \$5,000 is exempt from assessments
38.10 under this subdivision.

38.11 Subd. 2. **Objection.** Within 30 days after the date of the transmittal of any bill as
38.12 provided by subdivision 1 or 4, the parties to the proceeding, against which the bill has
38.13 been assessed, may file with the commission objections setting out the grounds upon
38.14 which it is claimed the bill is excessive, erroneous, unlawful, or invalid. The commission
38.15 shall within 60 days issue an order in accordance with its findings. The order is appealable
38.16 in the same manner as other final orders of the commission.

38.17 Subd. 3. **Interest imposed.** The amounts assessed against any local exchange
38.18 carrier, interexchange service provider, or other party that is not paid after 30 days after
38.19 the transmittal of a notice advising the telecommunications provider or other party of the
38.20 amount assessed against it shall draw interest at the rate of six percent per annum. Upon
38.21 failure to pay the assessment, the attorney general shall proceed by action in the name of
38.22 the state against the telecommunications provider or other party to collect the amount due,
38.23 accrued interest, and reasonable attorney fees and costs.

38.24 Subd. 4. **Administrative hearing costs; appropriation.** Any amounts billed to
38.25 the commission by the Office of Administrative Hearings for contested case hearings
38.26 held pursuant to section 237A.38, subdivision 5, shall be assessed by the commissioner
38.27 against the parties to the proceeding. The assessment shall be paid into the state treasury
38.28 within 30 days after a bill, which constitutes notice of the assessment and demand for
38.29 payment of it, has been transmitted to the parties. Money received shall be credited to
38.30 a special account and is appropriated to the commission for payment to the Office of
38.31 Administrative Hearings.

38.32 **Sec. 37. [237A.37] PROPRIETARY INFORMATION.**

38.33 Subdivision 1. **Proprietary information to be protected.** The commission shall
38.34 maintain the confidentiality of all proprietary information including trade secrets, business
38.35 plans, and other confidential information that becomes known to the commission or

39.1 comes into the commission's possession or control, and the commission shall not disclose
 39.2 proprietary information without adequate protection of the information and reasonable
 39.3 notice to the affected person.

39.4 Subd. 2. **Protective orders.** The commission shall have the authority to enter any
 39.5 protective order necessary and appropriate to maintain the confidentiality of proprietary
 39.6 information. The order may be entered only after giving the affected parties 30 days'
 39.7 advance notice and the opportunity to be heard in connection with the proposed protective
 39.8 order.

39.9 Subd. 3. **Public meetings of commission.** In any meeting of the commission during
 39.10 which information that is subject to a protective order is discussed, the commission shall
 39.11 close to all persons who are not authorized to obtain the information under the protective
 39.12 order that portion of the meeting during which the information will be discussed. The
 39.13 commission shall also take other appropriate measures to ensure that the data is not
 39.14 disclosed to persons who are not authorized to obtain the information under the protective
 39.15 order, to include sealing all or part of the hearing record.

39.16 Sec. 38. [237A.38] COMMISSION ADMINISTRATIVE PROCEEDINGS,
 39.17 APPEALS, REMEDIES.

39.18 Subdivision 1. **Rules and regulations.** The commission shall adopt rules and
 39.19 regulations consistent with this chapter to govern all matters over which the commission
 39.20 has jurisdiction within 180 days of the effective date of this chapter and dispose of existing
 39.21 rules which are consistent with this statute or impose obligations on a telecommunications
 39.22 provider or advanced services provider greater than those imposed under this chapter.

39.23 Subd. 2. **Complaint investigation and procedure.** Upon a complaint made against
 39.24 a local exchange carrier or interexchange service provider, by any other provider of
 39.25 telecommunications or interexchange service that any of the rates, charges, schedules,
 39.26 tariffs, terms, and conditions regulated by this chapter, the commission shall, within 30
 39.27 days of the filing of the complaint, review the complaint to determine whether it has
 39.28 jurisdiction over the matter and whether there are reasonable grounds to investigate the
 39.29 allegations. If the commission concludes it lacks jurisdiction or that there is no reasonable
 39.30 basis for the investigation, it shall promptly dismiss the complaint. If the commission
 39.31 finds that it has jurisdiction and that there is a reasonable basis for the investigation,
 39.32 the commission shall determine whether a contested case hearing shall be conducted
 39.33 under chapter 14. If the commission decides to conduct a hearing, it may require the
 39.34 telecommunications provider that is the subject of the complaint to file an answer or

40.1 otherwise respond. The scope of such a contested case hearing will be limited to the
40.2 allegations in the complaint and the allegations contained in the answer or other response.

40.3 Subd. 3. **Service; notice.** A copy of an order issued under this chapter must be
40.4 served upon the person against whom it runs or the person's attorney. Notice of the order
40.5 must be given to the other parties to the proceedings or their attorneys.

40.6 Subd. 4. **Transcribed copy of record; expense.** (a) The commission shall keep
40.7 a full and complete record of all proceedings before it on any investigation or hearing,
40.8 and the commission shall furnish a transcribed copy of the record to any party to the
40.9 investigation upon request and payment of the expense of furnishing the transcribed copy.

40.10 (b) When an appeal is taken from any order of the commission under the provisions
40.11 of this chapter, the commission shall prepare a certified transcript of all proceedings,
40.12 pleadings and files, and testimony taken or offered before it upon which the order was
40.13 based, showing particularly what, if any, evidence offered was excluded. The commission
40.14 shall file the transcript with the court administrator of the district court where the appeal is
40.15 pending.

40.16 Subd. 5. **Appeal from decision of commission.** Any party to a proceeding before
40.17 the commission or the attorney general may make and perfect an appeal from the order
40.18 in accordance with chapter 14. If the court finds from an examination of the record that
40.19 the commission erroneously rejected evidence which should have been admitted, it shall
40.20 remand the proceedings to the commission with instructions to receive the evidence
40.21 rejected and any rebutting evidence and make new findings and return them to the court
40.22 for further review. In that case the commission, after notice to the parties in interest, shall
40.23 proceed to rehear the matter in controversy, and receive the wrongfully rejected evidence
40.24 and any rebutting evidence offered and make new findings, as upon the original hearing,
40.25 and transmit it and the new record, properly certified, to the Court of Appeals, where the
40.26 matter shall again be considered in the court in the same manner as in an original appeal.

40.27 Subd. 6. **Order final and conclusive.** If no appeal is taken from any order of the
40.28 commission, as provided in subdivision 5, then in all future litigation arising between
40.29 the state and any telecommunications provider or between private parties and any
40.30 telecommunications provider, the order shall be deemed final and conclusive.

40.31 Subd. 7. **Attorney general to compel obedience.** When any telecommunications
40.32 provider fails to comply with any law of the state or any order of the commission after it
40.33 has become final, or any order or judgment of the district court, the Court of Appeals, or
40.34 the Supreme Court in any cases taken to any of the courts on appeal, after the judgment or
40.35 order has become final, the attorney general shall apply to the district court in the name of
40.36 the state in any county in which the plant of the telecommunications provider, or any part

41.1 of it, is situated, for a mandatory injunction or other appropriate writ to compel obedience
41.2 to the law, order, or judgment. The district court shall punish any disobedience of its
41.3 orders in the enforcement proceedings as for contempt of court.

41.4 Sec. 39. **[237A.39] VIOLATIONS; PENALTIES; ENFORCEMENT.**

41.5 Subdivision 1. **Actions.** This chapter and rules and orders of the commission
41.6 adopted under this chapter may be enforced by any one or combination of criminal
41.7 prosecution, action to recover civil penalties, injunction, action to compel performance,
41.8 and other appropriate action.

41.9 Subd. 2. **Civil penalty.** A person who knowingly and intentionally violates a
41.10 provision of this chapter or rule or order of the commission adopted under this chapter
41.11 shall forfeit and pay to the state a penalty, in an amount to be determined by the court, of
41.12 at least \$100 and not more than \$5,000 for each day of each violation.

41.13 Subd. 3. **Civil penalty proceeds deposited in treasury.** The civil penalties
41.14 provided for in this section may be recovered by a civil action brought by the attorney
41.15 general in the name of the state. Amounts recovered under this section must be paid
41.16 into the state treasury.

41.17 Sec. 40. **[237A.40] OBTAINING SERVICE BY FRAUD; INJUNCTION.**

41.18 Subdivision 1. **Equitable relief.** Whenever it appears that a person is engaged in
41.19 an act that constitutes or will constitute a violation of section 609.893, a representative
41.20 of a local exchange carrier or interexchange service provider, or a person harmed by an
41.21 alleged violation of section 609.893 may begin a civil proceeding in a district court to
41.22 enjoin the violation and may petition the court to issue an order for the discontinuance
41.23 of telecommunications service.

41.24 Subd. 2. **Venue.** An action under this section must be brought in the county in
41.25 which subject matter of the action, or some part of it, is located or found, and must be
41.26 commenced by the filing of a complaint that must be verified by affidavit.

41.27 Subd. 3. **Temporary restraining order.** If it is shown to the satisfaction of the
41.28 court, either by verified complaint or affidavit, that a person is engaged in an act that
41.29 constitutes a violation of section 609.893, the court shall issue a temporary restraining
41.30 order to abate and prevent the continuance or recurrence of the act. Notice of the
41.31 complaint shall be given and a hearing on the issuance of a temporary restraining order
41.32 shall be held under the Rules of Civil Procedure. The court shall direct the county sheriff
41.33 to seize and keep until further order of the court any device that is being used in violation
41.34 of section 609.893. The temporary restraining order expires after ten days.

42.1 Subd. 4. **Permanent injunction.** The court may issue a permanent injunction
 42.2 to restrain, abate, or prevent the continuance or recurrence of the violation of section
 42.3 609.893. The court may grant declaratory relief, mandatory orders, or any other relief
 42.4 it judges necessary to accomplish the purposes of the injunction. The court may keep
 42.5 jurisdiction of the case for the purpose of enforcing its orders.

42.6 Subd. 5. **Discontinuance of telecommunications service.** If it is shown to the
 42.7 satisfaction of the court, by affidavit, that a person is engaged in an act that constitutes a
 42.8 violation of section 609.893, the court may issue an order that shall be promptly served
 42.9 upon the person in whose name the telecommunications device is listed, requiring the
 42.10 party, within a reasonable time to be fixed by the court but not exceeding 48 hours from
 42.11 the time of service of the petition on the party, to show cause before the judge why
 42.12 telecommunications service should not promptly be discontinued. At the hearing, the
 42.13 burden of proof is on the complainant.

42.14 Subd. 6. **Disconnect order.** Upon a finding by the court that the telecommunications
 42.15 device is being used or has been used in violation of section 609.893, the court shall
 42.16 issue an order requiring the telecommunications provider that is rendering service over
 42.17 the device to disconnect the service. The order shall be served upon an officer of the
 42.18 telecommunications provider by the sheriff of the county in which the telecommunications
 42.19 device is installed or by a duly authorized deputy. Upon receipt of the order, the
 42.20 telecommunications provider shall proceed promptly to disconnect and remove the service
 42.21 and discontinue all telecommunications service until further order of the court.

42.22 Subd. 7. **Immunity.** No telecommunications provider is liable for any damages,
 42.23 penalty, or forfeiture, whether civil or criminal, for an act performed in compliance with
 42.24 an order issued by the court.

42.25 Sec. 41. **[237A.41] NO PRIVATE CAUSE OF ACTION.**

42.26 Nothing in this chapter shall be construed to create any private cause of action
 42.27 or right to relief for any person or entity.

42.28 Sec. 42. **[237A.42] AUTHORITY TRANSFERRED TO PUBLIC UTILITIES**
 42.29 **COMMISSION.**

42.30 The duties under sections 237A.14 to 237A.22 formerly granted to the commissioner
 42.31 of commerce shall be transferred to the Public Utilities Commission. The commissioner
 42.32 of commerce is authorized to transfer staff and resources necessary to continue the duties
 42.33 under sections 237A.14 to 237A.22 to the Public Utilities Commission.

43.1 Sec. 43. **REPEALER.**

43.2 (a) Minnesota Statutes 2010, sections 237.01, subdivisions 1, 3, 4, 6, 7, and 8;
 43.3 237.011; 237.012; 237.02; 237.03; 237.035; 237.036; 237.04; 237.05; 237.06; 237.065;
 43.4 237.066; 237.067; 237.068; 237.069; 237.07; 237.071; 237.072; 237.075, subdivisions 1,
 43.5 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; 237.076; 237.081, subdivisions 1, 1a, 2, 4, and 5; 237.082;
 43.6 237.09; 237.10; 237.101; 237.11; 237.115; 237.12; 237.121; 237.14; 237.15; 237.155;
 43.7 237.16, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13; 237.162; 237.163; 237.164;
 43.8 237.17; 237.18; 237.19; 237.20; 237.21; 237.22; 237.23; 237.231; 237.24; 237.25; 237.26;
 43.9 237.27; 237.28; 237.295; 237.30; 237.33; 237.34; 237.35; 237.36; 237.37; 237.38; 237.39;
 43.10 237.40; 237.411; 237.414; 237.435; 237.44; 237.45; 237.46; 237.461, subdivisions 1, 2,
 43.11 and 4; 237.47; 237.49; 237.491; 237.50, subdivisions 1, 3, 4, 4a, 5, 6, 6a, 7, 8, 9, 10, and
 43.12 11; 237.51, subdivisions 1, 5, and 5a; 237.52; 237.53, subdivisions 1, 2, 3, 4, 5, 6, and 7;
 43.13 237.54, subdivision 2; 237.55; 237.56; 237.57; 237.59, subdivisions 1, 1a, 2, 3, 4, 5, 6, 8,
 43.14 9, and 10; 237.60, subdivisions 3 and 4; 237.61; 237.626; 237.64; 237.66, subdivisions 1,
 43.15 1a, 1c, 1d, 2, 2a, and 3; 237.661; 237.662; 237.663; 237.665; 237.67; 237.681; 237.69,
 43.16 subdivisions 1, 5, 11, 12, 13, 14, 15, 16, and 17; 237.70, subdivisions 1, 2, 3, 4a, 5, 6, and
 43.17 7; 237.701; 237.71; 237.711; 237.73; 237.74; 237.75; 237.76; 237.761; 237.762; 237.763;
 43.18 237.764; 237.765; 237.766; 237.767; 237.768; 237.769; 237.770; 237.771; 237.772;
 43.19 237.773, subdivisions 1, 2, 3, and 4; 237.774; 237.775; 237.79; 237.80; 237.81; 237.82;
 43.20 and 237.83, are repealed.

43.21 (b) Minnesota Rules, parts 7810.3200; 7810.3300; 7810.4100; 7810.4300;
 43.22 7810.4900; 7810.5000; 7810.5100; 7810.5200; 7810.5300; 7810.5400; 7810.5500;
 43.23 7810.5800; 7810.5900; 7810.6000; 7810.6100; 7810.6400; 7810.6600; 7810.6700;
 43.24 7810.6800; 7810.8600; 7810.8605; 7810.8610; 7810.8615; 7810.8620; 7810.8625,
 43.25 subparts 1, 2, 3, 4, and 6; 7810.8630, subparts 1, 2, 3, 4, 5, 7, 8, 9, and 10; 7810.8635;
 43.26 7810.8640; 7810.8645; 7810.8650; 7810.8655; 7810.8660; 7810.8665; 7810.8670;
 43.27 7810.8675; 7810.8680; 7810.8685; 7810.8690; 7810.8700; 7810.8705; 7810.8710;
 43.28 7810.8715; 7810.8720; 7810.8725; 7810.8730; 7810.8735; 7810.8805; 7810.8810; and
 43.29 7810.8815, are repealed.