

CHAPTER 7812
PUBLIC UTILITIES COMMISSION
TELECOMMUNICATIONS SERVICE; LARGE LOCAL
PROVIDERS

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7812.0050 APPLICABILITY.

This chapter applies to all telecommunications service providers operating under the commission's jurisdiction in Minnesota, except regarding the provision of local telephone service in any area served by a telephone company that.

- A currently has fewer than 50,000 subscribers, and
- B the commission certificated to provide local telephone services before January 1, 1988

Statutory Authority: *MS s 237 10, 237 16, 237 71*

History: *22 SR 2079*

7812.0100 DEFINITIONS.

[For text of subps 1 to 11, see M R]

Subp 12 **Competitive local exchange carrier or CLEC.** "Competitive local exchange carrier" or "CLEC" means

A a telecommunications carrier that is certified by the commission to provide local service, or

B a telephone company to the extent it provides local service in an exchange area for which neither the company nor any of its predecessors was certified on August 1, 1995. This subpart does not exempt a telephone company under Minnesota Statutes, section 237 01, subdivision 2, from the applicable requirements of Minnesota Statutes, chapter 237, including rate of return regulation or earnings investigations under Minnesota Statutes, section 237 075 or 237 081, and depreciation requirements under Minnesota Statutes, section 237 22.

[For text of subps 13 and 14, see M R]

Subp 15 **Eligible telecommunications carrier or ETC.** "Eligible telecommunications carrier" or "ETC" means a local service provider designated by the commission as eligible to receive federal universal service support in accordance with United States Code, title 47, section 254, and relevant federal regulations.

[For text of subps 16 to 28, see M R]

Subp 29 **Local exchange carrier or LEC.** "Local exchange carrier" or "LEC" means a telephone company that is authorized to provide local telephone service in Minnesota under Minnesota Statutes 1994, section 237 16, subdivision 2.

[For text of subps 30 to 43, see M R]

Subp 43a. **Rural exemption.** "Rural exemption" means the exemption from the obligations of United States Code, title 47, section 251, subsection (c), granted to a rural telephone company pursuant to United States Code, title 47, section 251, subsection (f), paragraph (1).

Subp 43b. **Rural telephone company.** "Rural telephone company" has the meaning given in United States Code, title 47, section 153, paragraph (37).

[For text of subp 44, see M R]

Subp 44a [Repealed, 22 SR 2079]

[For text of subps 44b to 48, see M R]

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Subp 49 **Telephone company.** "Telephone company" means a person, firm, association, or other entity, as defined in Minnesota Statutes, section 237 01, subdivision 2

[For text of subp 50, see M R]

Subp 51 **Universal service area.** "Universal service area" means

A with respect to a rural telephone company, the local exchange carrier's study area or any other area designated jointly by the commission and the FCC pursuant to Code of Federal Regulations, title 47, section 54 203, paragraphs (c) and (d), or

B the exchange area, or a different geographic unit identified by the commission under part 7812 1400, subpart 3, of a local exchange carrier unless the commission has found the local exchange carrier to be a rural telephone company

Statutory Authority: *MS s 237 10, 237 16, 237 71*

History: *22 SR 2079*

7812.0200 GENERAL CERTIFICATION REQUIREMENTS.

Subpart 1 **Scope.** No person may provide telecommunications service in areas served by local exchange carriers with 50,000 or more subscribers in Minnesota without first obtaining a certificate under this part and parts 7812 0300 to 7812 0600, except to the extent the person is providing telephone service under a certificate issued by the commission before July 28, 1997

[For text of subps 2 to 8, see M R]

Statutory Authority: *MS s 237 10, 237 16, 237 71*

History: *22 SR 2079*

7812.0550 911 EMERGENCY SERVICE CAPABILITIES AND REQUIREMENTS.

Subpart 1 **CLEC 911 plan.** Before providing local service in a service area, a competitive local exchange carrier (CLEC) shall submit to the commission a comprehensive plan, detailing how it will provide 911 service to its customers in a manner consistent with applicable law, including chapter 1215, and comparable to the provision of 911 service by the local exchange carrier (LEC) operating in the competitive local exchange carrier's service area. The CLEC filing the plan shall serve the plan on the department, Office of Attorney General-Residential Utilities Division (OAG-RUD), Department of Administration, and, if the CLEC proposes to serve within the metropolitan area, as defined in Minnesota Statutes, section 403 02, the Executive Director of the Metropolitan 911 Board. The commission shall not permit the CLEC to begin providing local service until the commission has approved the plan.

[For text of subps 2 to 4, see M R]

Statutory Authority: *MS s 237 10, 237 16, 237 71*

History: *22 SR 2079*

7812.1400 ETC DESIGNATION.

[For text of subps 1 and 2, see M R.]

Subp 3 **Determining applicable universal service area.** A decision on a petition for designation to receive universal service support under this part must include a determination of the applicable universal service area. The commission shall determine whether the LEC serving the area for which the CLEC seeks designation to receive universal service support is a rural telephone company if the competitive local exchange carrier's petition or another party's initial comments under subpart 8 assert that the LEC is a rural telephone company. If the applicable LEC has 50,000 or more subscribers and is not found by the commission to be a rural telephone company, the commission shall designate the local exchange carrier's exchange area as the universal service area unless the commission finds that a smaller geographic unit would be more appropriate, based on consideration of the relevant high-cost areas designated by the FCC and the public interest.

Subp 4 **Petition information.** A competitive local exchange carrier's petition for designation as an ETC to receive federal universal service support under section 254 of the act, or any state universal service support under Minnesota Statutes, section 237 16, subdivision 9, must include

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A the legal name, address, and telephone number of the CLEC and its designated contact person;

B. the name, address, and telephone number of the attorney, if the CLEC will be represented by an attorney,

C the proposed effective date of designation of eligibility to receive universal service support,

D the signature and title of the CLEC officer or representative authorizing the petition,

E identification of the service area for which designation is sought, the LEC serving that area and whether the petitioning CLEC considers that LEC to be a rural telephone company,

F a statement supporting the petition, which specifies why the requested designation satisfies the requirements for receiving universal service support under part 7812 0700

[For text of subps 5 to 14, see M R]

Subp 15 **Revocation.** The commission shall revoke a local service provider's ETC designation upon finding that the LSP does not qualify as an ETC under part 7812 0100, subpart 15

Statutory Authority: *MS s 237 10, 237 16, 237 71*

History: *22 SR 2079*

7812.1800 AGREEMENT APPROVAL.

[For text of subps 1 to 4, see M R.]

Subp 5 **Decision criteria.** The commission shall reject an agreement if it finds that the agreement discriminates unreasonably against another telecommunications carrier as defined in United States Code, title 47, section 153, paragraph (44), is inconsistent with the public interest or, with respect to its arbitrated terms, fails to comply with the commission's arbitration decision under part 7812 1700, subpart 21, or meet the arbitration standards set forth in part 7812 1700, subpart 22

[For text of subps 6 and 7, see M R]

Statutory Authority: *MS s 237.10; 237 16, 237 71*

History: *22 SR 2079*

7812.2000 RURAL EXEMPTION FROM NEGOTIATION AND INTERCONNECTION REQUIREMENTS.

Subpart 1 **Notice of claim to rural exemption.** A local exchange carrier (LEC) seeking to retain or establish a rural exemption under United States Code, title 47, section 251, subsection (f), paragraph (1), shall, no later than 20 days after receiving a competitive local exchange carrier's (CLEC's) bona fide request for interconnection, services, or network elements under United States Code, title 47, section 251, notify the requesting company, the commission, the department, and the Office of Attorney General-Residential Utilities Division (OAG-RUD), of its claim to the exemption. A LEC failing to assert its exemption claim as provided in this subpart is deemed to have waived any right it may have to the exemption for purposes of the specific bona fide request for which it has failed to assert the exemption. The notice must state the basis upon which the LEC considers itself to be a rural telephone company

Subp 2 **CLEC response to exemption claim.** An affected competitive local exchange carrier (CLEC) shall file any challenge to a LEC's exemption claim under subpart 1, including a request to terminate the exemption, within 20 days after receiving the LEC's notice under subpart 1

Subp 3. **Commission decision.** The commission shall determine a LEC's eligibility for an exemption asserted under subpart 1, including whether the exemption should be terminated, as provided in United States Code, title 47, section 251, subsection (f), paragraph (1), and applicable FCC regulations. A commission decision to deny or terminate an exemption

must include a schedule for implementing the negotiation, arbitration, and agreement approval requirements of United States Code, title 47, section 252

Statutory Authority: *MS s 237 10, 237 16, 237 71*

History: *22 SR 2079*

7812.2100 SUSPENSIONS OR MODIFICATIONS OF INTERCONNECTION REQUIREMENTS.

Subpart 1 **Petition for suspension or modification.** A local exchange carrier (LEC) seeking suspension or modification of the requirements of United States Code, title 47, section 251, subsection (b) or (c), pursuant to United States Code, title 47, section 251, subsection (f), paragraph (2), shall file a petition with the commission. The petition must include

A the legal name, address, and telephone number of the LEC and its designated contact person,

B the name, address, and telephone number of the attorney if the LEC will be represented by an attorney,

C the date of the filing, which is the date the commission receives the LEC's filing or the date designated by the LEC, whichever is later,

D the proposed effective date of the suspension or modification sought by the LEC,

E the signature and title of the LEC officer or representative authorizing the petition,

F a description of the obligations the LEC seeks to suspend or modify, including specific references to the relevant provisions of section 251, subsection (b) or (c), of the act,

G a detailed description of the modifications or suspensions the LEC is seeking, including the proposed duration of each suspension or modification,

H the number of subscriber lines the LEC has nationwide, at the holding company level, and the LEC's estimate of the total number of all LEC subscriber lines nationwide,

I a statement supporting the petition, which must specify why each requested modification or suspension meets the conditions for modification or suspension specified in section 251, subsection (f), paragraph (2), subparagraphs (A) and (B), of the act and applicable FCC regulations; and

J a statement as to whether the LEC requests the commission to grant a temporary stay under subpart 9 of the obligations the LEC seeks to modify or suspend

[For text of subp 2, see M R]

Subp 3. **Challenges to form and completeness.** A challenge to the form or completeness of a petition filed under subpart 1 must be received by the commission and served on the LEC within ten days after the LEC's petition is filed. The LEC shall reply to the challenge within five days of the date it receives the filing challenging its petition.

[For text of subps 4 to 11, see M R]

Statutory Authority: *MS s 237 10; 237 16, 237 71*

History: *22 SR 2079*