

7811.0200 GENERAL CERTIFICATION REQUIREMENTS.

Subpart 1. **Scope.** No person may provide telecommunications service in areas served by LECs with fewer than 50,000 subscribers in Minnesota without first obtaining a certificate under this part and parts 7811.0300 to 7811.0600, except to the extent the person is providing telephone service under a certificate issued by the commission before June 2, 1998.

Subp. 2. **Certification categories.** A person may seek certification in any of the following four categories:

- A. local facilities-based service;
- B. local resale service;
- C. interexchange service; or
- D. local niche service.

A certificate to provide local facilities-based service authorizes the provision of all forms of local service, interexchange service, and local niche service in Minnesota. A certificate to provide local resale service only authorizes the provision of local resale service. A certificate to provide interexchange service only authorizes the provision of interexchange service. A certificate to provide local niche service only authorizes the provision of local niche service. An applicant may request certification in multiple categories in a single petition.

Subp. 3. **Limitations on local service certification/intent to provide service.** An applicant may obtain certification to provide local service for a geographic area only if:

A. the applicant has started any necessary negotiations for resale, the purchase of network elements, or interconnection under section 252 of the federal act with the local exchange carrier (LEC) currently serving the area; and

B. the applicant files plans to comply with subpart 4.

A certificate for local service obtained under part 7811.0300 or 7811.0350 applies only to the service area designated in the petition within the limits established in this subpart. The service area may be expanded under part 7811.0300, subpart 5, or 7811.0350, subpart 5.

Subp. 3a. **Reporting service area status.** Each local service provider (LSP) shall report to the commission six months before the deadline identified in subpart 4, items A to C, regarding the extent to which it is offering local service in its service area. The report must indicate which portions of the LSP's service area, if any, remain nonoperational and delineate the LSP's projected timetable for offering local service throughout the entire area as required in subpart 4.

Subp. 4. **Service obligations.** The local service provider (LSP) certified under part 7811.0300 or 7811.0350 must offer services, consistent with part 7811.0600, throughout its entire service area within 36 months after the later of the following three dates:

A. the date of the commission order granting the applicant's certificate of authority;

B. the date of the commission order under part 7811.1100 approving the necessary agreements resulting from the negotiations that provided the basis under subpart 3, item A, for granting the certificate; or

C. June 2, 1998.

Unless a local service provider demonstrates to the satisfaction of the commission, under subpart 5, that its failure to offer basic local service throughout its entire service area within 36 months is the result of factors beyond the LSP's control, the commission shall revoke the LSP's certificate with respect to those areas in which the LSP is not offering basic local service.

Subp. 5. **Show-cause proceeding to justify failure to serve entire area.** An LSP shall file a petition with the commission to justify anticipated failure to offer basic local service as required under this part. A petition must be filed at least 90 days before the applicable deadline under subpart 4. The petition must include the basis for the local service provider's failure to meet the deadline and an alternative date by which the LSP expects to begin offering service in the areas for which it will not meet the deadline.

Subp. 6. **Required notification.** Petitions for certification under this chapter must be served on the department, the OAG-RUD, the Department of Administration, persons certified to provide telecommunications service within the applicant's designated service area, and the city clerk, or other official authorized to receive service or notice on behalf of the municipality, of all municipalities within the applicant's designated service area.

Subp. 7. **Comment periods.** Comments on a petition must be filed and served within 45 days after the petition is filed. Responsive comments must be filed and served within 20 days after the deadline for initial comments.

Subp. 8. **Factual disputes.** If the petition raises contested issues of material fact, the commission shall refer the matter to the Office of Administrative Hearings for contested case proceedings or conduct an expedited proceeding under Minnesota Statutes, section 237.61, if permitted under the commission's rules of practice and procedure under part 7829.1200, item B or C.

Statutory Authority: *MS s 237.10; 237.16; 237.71*

History: *22 SR 2079*

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