

7811.2100 SUSPENDING, MODIFYING, INTERCONNECTION DUTIES.

Subpart 1. **Petition for suspension or modification.** A local exchange carrier (LEC) seeking suspension or modification of the application 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:

(1) specific references to the relevant provisions of section 251, subsection (b) or (c), of the act;

(2) a copy of the relevant bona fide request, if the LEC seeks to suspend or modify the application of the requirement to negotiate; and

(3) a copy of the relevant commission-approved interconnection agreement, if the LEC seeks to suspend or modify the application of any portion of section 251, subsection (b) or (c), of the act, other than the requirement to negotiate;

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;

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; and

K. a statement of when and how to challenge the form or completeness of the petition, file initial and reply comments, and petition to intervene, pursuant to subparts 3 to 7.

Subp. 2. **Filing and service.** The petition filed under subpart 1 must be served on the department, the Office of Attorney General-Residential Utilities Division (OAG-RUD), each competitive local exchange carrier (CLEC) to which the requested suspensions or modifications would likely apply, and those persons on the applicable general service list established pursuant to part 7829.0600.

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.

Subp. 4. **Rejection of filings.** The commission shall reject a modification or suspension petition it finds to be substantially out of compliance with subpart 1 or 2. A modification or suspension petition is considered to be in substantial compliance with subparts 1 and 2 if the commission does not issue an order rejecting the petition within 45 days after the petition is filed.

Subp. 5. **Initial comments.** Comments on a modification or suspension petition must be filed with the commission within 20 days after the petition is filed. Initial comments must include a recommendation on the type of proceeding the commission applies to the petition and the reasons for the recommendation.

Subp. 6. **Reply comments.** Reply comments must be filed with the commission within ten days after the deadline for filing initial comments under subpart 5. Reply comments must be limited in scope to the issues raised in the initial comments.

Subp. 7. **Petition to intervene.** Petitions to intervene must be filed by the deadline for reply comments under subpart 6. An intervention petition may be combined with initial or reply comments filed under subpart 5 or 6.

Subp. 8. **Nature of proceeding.** Unless all parties agree to use a different procedure or there are no material issues of fact in dispute, the commission shall conduct an expedited proceeding under Minnesota Statutes, section 237.61, or refer the matter for a contested case proceeding under Minnesota Statutes, chapter 14.

Subp. 9. **Stay of LEC obligations pending final disposition of petition.** The commission may suspend enforcement of any of the obligations which the LEC's petition seeks to modify or suspend pending final disposition of the petition if, based on the standards applied by Minnesota courts for granting temporary injunctions, the commission determines that a suspension would be appropriate.

Subp. 10. **Commission disposition.** The commission shall decide the petition according to the requirements in section 251, subsection (f), paragraph (2), subparagraphs (A) and (B), of the act, and applicable FCC regulations.

Subp. 11. **Time frame for disposition.** The commission shall take final action on a petition within 180 days after receiving a petition that substantially complies with the filing requirements of subparts 1 and 2.

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

History: *22 SR 2079*

Published Electronically: *October 24, 2005*