
Common Filings Made by Telecommunications Carrier in Minnesota

2018



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Contents

1.	Rate changes, significant changes to terms and conditions, introductions of new services, and discontinuances of services other than basic local service.....	1
2.	Filings for service area expansion (CLECs)	2
3.	Changing a company name, or adding an assumed name (d/b/a)	2
4.	Acquisitions/Mergers.....	2
	<i>Petition Requirements for Commission approval of an Acquisition</i>	3
5.	Relinquishing a certificate of authority	4
6.	Where and how to file	5
7.	Filing trade secret information	5

1. Rate changes, significant changes to terms and conditions, introductions of new services, and discontinuances of services other than basic local service

Each telecommunications provider must submit and maintain a tariff on file with the Minnesota Department of Commerce that contains the rates, terms, and conditions applicable to the telecommunications services it provides or offers. Prior to the implementation changes to its tariff, revised pages must be filed.

Competitive Local Exchange Carriers: see Minn. Rule 7812.2210, subpart 3.

Large Incumbent Local Exchange Carriers (ILECs) with Alternative Form of Regulation (AFOR) Plans: Regulatory requirements for changes are in accordance with the AFOR plan.

Small Incumbent Local Exchange Carriers (SLECs) subject to the small company AFOR Statute: See Minn. Stat. 237.73, subd. 3 for basic local increases. For other changes, SLECs may follow the same filing requirements applicable to CLECs. See Minn. Rule 7812.2210, subpart 3.

ILECs not subject to AFOR plans: See Minn. Stat. 237.075 for basic local increases. For other changes, see Minn. Rule 7812.2210, subpart 3.

ILECs subject to market regulation under Minn. Stat. 237.025: See Minn. Rule 7812.2210, subpart 3.

Interexchange telecommunications carriers: See Minn. Stat. 237.74.

Competitive Local Exchange Carriers, Small and Large Incumbent Local Exchange Carriers

Any tariff concerning 911 service should also be provided to the two agencies that handle 911 issues in Minnesota:

Dana Wahlberg
Director of ECN
Dept. of Public Safety
Emergency Communication Networks
445 Minnesota Street, Suite 137
St. Paul, MN 55101-5137

Pete Eggiman
ENP Director of 911 Services
Metropolitan Emergency Services Board
2099 University Avenue West, Suite 201
St. Paul, MN 55104

2. Filings for service area expansion (CLECs)

CLECs that wish to expand their service area to include additional exchanges for the provision of local service must file the information outlined in Minn. Stat. 237.16, subd. 4.

3. Changing a company name, or adding an assumed name (d/b/a)

Telecommunications carriers that intend to change their name or add an assumed name (d/b/a) should file the following information:

- A letter requesting the name change or assumed name;
- A certificate from the Minnesota Secretary of State's Office (www.sos.state.mn.us) showing the name has been registered in Minnesota;
- A revised tariff incorporating the new name; and
- For local service providers required to provide 911 service, notification to the Department of Public Safety and, if serving anywhere in the seven-county metropolitan area, notification also to the Metropolitan Emergency Services Board.

4. Acquisitions/Mergers

Minnesota-certified telecommunications providers that seek a change of ultimate ownership or control as a result of a stock transfer or asset acquisition must petition for prior approval from the Minnesota Public Utilities Commission. Prior Commission approval for acquisitions is also required if it will result in a change in the provision of service to customers, even if ultimate ownership or control of a company is not changed. (See Minn. Stat. 237.23, Minn. Stat. 237.74, subd. 12).

Petition Requirements for Commission Approval of an Acquisition

A Petition for Commission Approval of an Acquisition should include an affidavit signed by an officer of each of the requesting parties attesting to the accuracy of the following information:

- The current transaction will not be completed prior to the Commission's approval (include a copy of sales agreement);
- The acquiring party has the financial capability to continue to provide service to customers (include a copy of the parties' most recent financial statements);
- Address any 911 requirements such as filing a new CLEC 911 Plan, notifying 911 agencies, counties, underlying carriers, and other affected parties of changes to an existing 911 ILEC contract or 911 CLEC Plan (e.g., contacts, company names), and providing any required notice to a company's 911 system integrator;
- Address the intent of the parties with respect to the assumption or transfer of the parties' interconnection agreements;
- Set forth the intent of the parties with respect to the release or return of NXX codes to the North American Numbering Plan Administration (NANPA);
- Whether the existing authority of the acquired company is to be cancelled (i.e., will the entity continue to offer services in Minnesota or will the acquired entity no longer exist), and whether the acquired company names will be used as assumed names by the acquiring company;
- Who is responsible for filing Minnesota jurisdictional annual reports or making other regulatory filings following the close of the transaction (jurisdictional annual reports are to be filed for any portion of a calendar years that the acquired company was in existence), and which party will pay any outstanding regulatory fees of the acquired company;
- Describe the parties' customer notification plans;
- Describe anticipated tariff changes or include a statement explaining why no tariff changes are necessary;
- That parties agree to file with the Commission a notice of closing within 20 days of the completion of the transaction;
- Address Telephone Assistance Plan (TAP) questions:
 - Do any of the affected companies have customers enrolled in TAP?
 - If yes, does the transaction alter the company providing service to any TAP customers?
 - If yes, which companies will be filing TAP reports after the transaction closes?
 - If yes, what is the name and phone number of the TAP contact person?
 - If yes, with what frequency (monthly or quarterly) that TAP reports will be filed?
 - If the frequency of filing TAP reports after the transaction is different than the frequency before the transaction, show how the data of the companies is reconciled to validate that proper reimbursement from the TAP fund is requested.
 - The acquired company should commit to filing a final TAP report indicating the number of local access lines it served, and the amount of TAP surcharge revenues and deposits made upon the closing of the acquisition transaction.

- The acquiring company, in its next TAP report, should explain how the number of access lines changed as a result of the acquisition activity, and describe any potential discrepancies between the number of access lines reported and the amount of TAP surcharge revenues reported.
- If company has a certificate of authority to operate as a local service provider, TAP reports are required to be filed even if there are no TAP customers.
- Describe the projected impact on employees of each company involved in the proposed transaction;
- Discuss how competition will be affected by the proposed transaction; and
- Explain how broadband deployment will be impacted by the proposed transaction.
- Explain plans for filing 911/TAP/TAM monthly service fee for wired telephone service reports.

5. Relinquishing a certificate of authority

Telecommunications carriers that wish to relinquish their certificates of authority must file a letter with the Minnesota Department of Commerce and the Minnesota Public Utilities Commission requesting that their certificate be relinquished.

A carrier should include the information listed here:

- Whether the carrier has customers;
- Whether the carrier has provided notice to its customers that the carrier will no longer be providing telecommunications services in Minnesota; and
- A copy of the notice provided to customers.

A local service provider seeking to relinquish its certificate of authority should also take the actions listed here:

- Contact any carriers with whom you have an interconnection agreement, and jointly send a notice to the Commission terminating your agreement;
- Notify the Minnesota Department of Public Safety and the Metropolitan Emergency Services Board (if applicable), so that your 911 plan can be cancelled; and
- Facilities-based carriers should notify NANPA so that NXX blocks can be returned.
- Any assessments or fees unpaid to the Department, Commission, Metropolitan 911 Board, or Department of Public Safety remain the responsibility of the carrier.
 - Company must be current with filing annual reports.
 - Company must file intrastate jurisdictional revenue by May 1 of the following year if company had intrastate revenues in the current year.
- If carrier has any physical assets that will be abandoned, carrier must notify the local government entity per Minn. Rule 7819.3300.

Local service providers must provide at least 60 days written notice via efilings to the Department of Commerce, Commission, and Attorney General's Office before exiting a service area. Long distance providers must provide at least 30 days written notice. Relinquishing your certificate of authority requires Commission approval. You will receive an order from the Commission either approving or denying your request.

6. Where and how to file

When submitting any of the above filings, please use the edockets system:

<https://www.edockets.state.mn.us/Efiling/security/login.do?method=showLogin>

7. Filing trade secret information

If carrier files trade secret information, please follow the instructions on the Commission's website:

<https://www.puc.state.mn.us/portal/groups/public/documents/pdf files/000671.pdf>