



10. Have you ever been issued a “cease and desist” order?  Yes  No

(If yes, please explain) \_\_\_\_\_

11. Are you currently providing telephone service in Minnesota?  Yes  No

(If yes, please explain) \_\_\_\_\_

12. Verify that a toll free number to reach a customer service representative will be on the bill received by customers.

\_\_\_ Yes, the toll free number will be on the bill.

\_\_\_ No, the toll free number will not be on the bill.

\_\_\_ If no, how will customers know the number to call? \_\_\_\_\_

13. Provide the toll-free telephone number: \_\_\_\_\_

***NOTE: To complete this application, you must provide the information requested on the following pages.***

## ATTACHMENTS REQUIRED

The following attachments are required of all applicants. Please answer each of the following questions on a separate sheet(s) and attach to the application form.

1. Attach a non-refundable filing fee of \$570, payable to the Minnesota Department of Commerce. The \$570 initial filing fee will be charged to a company that is requesting authority for the first time in Minnesota. The initial filing fee will not be charged for requests for expansions of authority or the transfer of authority. Your application will not be processed until the fee is received.
2. Provide a tariff describing rates, terms and conditions of each service you propose to offer in Minnesota. (Tariff template language is included in the application packet and is recommended for the identified sections).
3. For local service providers, submit a map and a narrative description of the service area for which you are seeking authority. To satisfy the map requirement, you may provide a list of the exchanges for which you are seeking authority. If you intend to serve only a portion of any exchange rather than an entire exchange, you must specify the portion of the exchange for which you are seeking authority. As stated below, a 911 plan is required for local service providers. To facilitate the processing of their application, companies should only apply for authority in those areas they intend to serve.
4. For local service providers, describe the status of any negotiations for interconnection agreements that are currently underway.
5. Provide a brief summary of the technology and facilities that you will use to provide the services that you intend to offer. Respond to each of the following:
  - a) How will end users be connected to the services? Will the ILEC's local loop be used or another facility? Will a broadband connection be relied upon? If so, will the connecting signal be (i) integrated into the end user's connection with the internet, (ii) a separate connection on the same facility, or (iii) on a separate facility from the end user's internet access? Please explain.
  - b) Will the company provide intercity transport mainly using (i) the public switched network, (ii) the public Internet backbone, (iii) a private IP network, or (iv) other? Please explain.
  - c) Where are the switches or soft-switches located that the company will use to provide these services?
  - d) Can the services be nomadic (i.e., be used from more than one location)?
  - e) Will the services permit a Minnesota end user to be assigned a telephone number associated with a rate center in which the end user is not physically located?
  - f) Will the services be offered on a retail basis, wholesale basis, or both?
  - g) Are the services intended for (i) individual households, (ii) small business customers or (iii) large business/large organization customers?
6. Demonstrate your financial ability by attaching your most recent balance sheet and income statement, most recent annual report, and an auditor's report if available. (Proforma financial statements for new businesses)
7. Describe your ability to service and maintain your equipment.
8. Describe how you plan to bill customers.
9. Describe how you plan to handle customer complaints.
10. Describe the classes of customers you intend to serve. **Note:** If you intend to provide prepaid local exchange service, please include an affirmative statement that your company has reviewed Minnesota Rules part 7810.1800-7810.2300 and that your proposed service complies with these rules. Specifically, these Rules do not allow a carrier to disconnect service to an end user until that end user has received a disconnect notice. Disconnect notices may not be issued to an end user until after an event listed under Minnesota Rules 7810.1800 (A)-(H) has occurred.
11. Describe your marketing plan: Who do you intend to market to? Do you intend to use a multi-level marketing approach? Do you operate or offer any charity programs?
12. Describe your planned schedule for providing local service including the date you plan to provide service to the entire service area for which you are seeking authority and the dates for providing at least some service through your own network facilities.
13. Provide a copy of your certificate from the Minnesota Secretary of State to do business in Minnesota.
14. For local service providers seeking conditional authority, please provide a copy of a letter of introduction that you have sent to the following 911 experts in Minnesota:

Jackie Mines  
Dept of Public Safety  
Minnesota 911 Program  
444 Cedar Street  
Town Square  
St. Paul, MN 55101

Executive Director  
Metropolitan Emergency Services Board  
Metro Counties Government Center  
2099 University Ave W, Ste 201  
St. Paul, MN 55104-3431  
(If you are seeking authority to provide service  
in the seven county metropolitan area)

- These letters should identify a contact person within your company for 911 service questions, as well as a general description of the locations you wish to serve. The Public Utilities Commission must approve the actual 911 plan before you can provide local service in Minnesota.
15. For local service providers seeking operational authority, provide a copy of your 911 plan along with any letters from the Department of Public Safety and the Metropolitan 911 Board stating any conditions they are recommending to the Public Utilities Commission for plan approval. Note that a 911 plan is required for all areas authorized for the company. Templates for 911 plans and additional 911 information can be found at [www.911.state.mn.us](http://www.911.state.mn.us) (Click on “Service Provider Info”).
  16. Provide a copy of your articles of incorporation, if a corporation.
  17. Supply a list of names, addresses and telephone numbers of all officers or partners, and resumes for the key staff to demonstrate that the company has the managerial ability for the proposed undertaking.
  18. Supply a list of names and addresses of stockholders owning ten percent or more of the interest in the business.
  19. Identify all affiliates, subsidiaries and parent organizations.
  20. **A)** List all other jurisdictions where you provide telephone service. Include the name of each jurisdiction and the date you received authority. **B)** List all pending or completed criminal, civil, or administrative action taken against you by a state or federal authority, including any settlements, in connection with your provision of telephone services or telecommunications services.
  21. Applicants for local service authority must agree to offer each of the services set forth in Minnesota Rules part 7812.0600.
  22. Applicants for local service authority must confirm that they will be collecting surcharges for the Telephone Assistance Plan (TAP) and will file TAP reports with the Commission’s verifying their remittance of this surcharge. TAP reporting forms are available on the Department’s website at [www.commerce.state.mn.us](http://www.commerce.state.mn.us) (click on “Industry Info”). In addition to confirming that the TAP reporting form will be filed, please list the name of the person that will be responsible for submitting these reports.
  23. Applicants for local service must demonstrate that they have notified the following persons or entities of their application: the Department of Commerce, the Office of Attorney General- Residential Utilities Division, the Department of Public Safety, persons certified to provide service within the petitioner’s designated service area, and the city clerk of all municipalities within the petitioner’s designated service area. The notice to the persons certified to provide service and to the city clerks of all municipalities may be waived if the company files a request for a variance and states: 1) compliance with the requirement would impose an excessive burden, 2) granting the variance would not adversely affect the public interest, and 3) granting the variance would not conflict with standards imposed by law.

Please electronically file this application at: <https://www.edockets.state.mn.us/EFiling/home.jsp>

**(Note: you must register in advance in order to file electronically)**

**and mail the \$570 payment to:**  
**Minnesota Public Utilities Commission**  
**121 7th Place East, Suite 350**  
**St. Paul, MN 55101**  
**(please reference the submission number of the efiled application)**



## MINNESOTA DEPARTMENT OF COMMERCE

### PROVIDING LOCAL OR LONG DISTANCE TELEPHONE SERVICE IN MINNESOTA

Anyone wishing to provide local or long distance service in the State of Minnesota must obtain a “Certificate of Authority” from the Minnesota Public Utilities Commission (PUC). This informational packet explains what you need to do to obtain the authority to legally do business as a telephone provider in Minnesota.

### HOW MINNESOTA REGULATES

Local and long distance providers are regulated by two state agencies. The Minnesota Department of Commerce (DOC) reviews the application, investigates the company and makes a recommendation to the PUC. The PUC evaluates the application, considers recommendations and decides whether to grant or deny authority. Once a new company is in business, the DOC monitors the company’s services and enforces the rules of operation, as defined by PUC Rules and Minnesota Statute 237. For copies of the statute and rules, go to [www.leg.state.mn.us](http://www.leg.state.mn.us) or use the weblinks on the next page.

### HOW TO APPLY

Obtain an application form from [www.commerce.state.mn.us](http://www.commerce.state.mn.us).

Return completed application *with the specified attachments* to the address listed on this application. Applications are generally processed within 6 to 12 weeks, but may vary according to the Commission’s schedule and completeness of your applications.

**Note:** You cannot sell services to customers within the state while you are waiting for authority from the PUC.

**Web Links to Telecommunications  
Minnesota Rules and Minnesota Statutes**

<http://www.revisor.leg.state.mn.us/arule/7810/>

<http://www.revisor.leg.state.mn.us/arule/7811/>

<http://www.revisor.leg.state.mn.us/arule/7812/>

<http://www.revisor.leg.state.mn.us/arule/7829/>

<http://www.revisor.leg.state.mn.us/stats/237/>

## **ONCE YOU ARE IN BUSINESS**

You will be expected to:

- File an annual report (form provided by DOC) showing your intrastate revenues.
- File any rate or tariff changes with the PUC.
- Offer services statewide in conformance with Minn. Statutes and PUC Rules.
- Pay indirect assessment charges for the cost of regulation.

## **WHAT YOU SHOULD KNOW BEFORE YOU APPLY**

- After receiving payment of your nonrefundable application fee and receiving your certificate of authority, you will be charged the following fees:
  - A quarterly indirect assessment, based on gross intrastate revenues over \$5,000 which covers the general costs of regulation.
  - An up-front deposit or bond may be required in some cases.
- You must have a business office or agent located in Minnesota which maintains a copy of the current tariff/price list.
- You must have a toll-free number for customers to call with questions, complaints, or to resolve billing errors.
- You must make the following information available to the public.
  - Copies of all tariffs must be on file with DOC and at your Minnesota business address which include a description of all available specific classes of services.
  - Information about pending service changes or rate change filings.
- You must file a tariff for the services you plan to sell, even if you are reselling the services of an underlying carrier and charging identical rates.
- If your business was not incorporated in Minnesota, you must obtain a license to do business in Minnesota from the Secretary of State's office. They can be contacted at 180 State Office Building, 100 Constitution Ave., St. Paul, MN 55155; telephone: (651) 296-2803 or <http://www.sos.state.mn.us>.
- If you intend to provide operator services, a separate list of requirements for providing Alternate Operator Service is attached to the application form.



## MINNESOTA DEPARTMENT OF COMMERCE

### ALTERNATIVE OPERATOR SERVICE (AOS) REQUIREMENTS

All long distance providers who also plan to provide operator service must obtain an additional certificate of authority from the Minnesota Public Utilities Commission and must adhere to the following rules and requirements:

1. Instruct the operator to audibly and distinctly state the company's identity at the beginning of each call, with a second identification before connecting the call and before a charge is incurred by the end user.
2. Permit end users to terminate a call at no charge before the call is completed.
3. Immediately disclose, at no charge to the end user, the rates or charges for a call, how the charges will be billed or collected, and how complaints about charges or practices will be resolved.
4. Refrain from billing charges for unanswered calls.
5. Refrain from "splashing" a call unless: the end user requests to be transferred to another provider of operator services; the end user is informed *prior to incurring any charges* that the rate for the call may differ from the usual rate charged for a call from the same location and the end user then consents to be transferred.
6. Assure by contract or tariff that call aggregators comply with Commission requirements, which includes posting on or near the telephone, in plain view of customers, the following information:
  - a) Name, address and toll-free number of the provider of operator services.
  - b) A written disclosure that the rates for all operator-assisted calls are available upon request.
  - c) A statement of the end users' right to use that telephone to access the carrier of their choice. AOS providers shall, upon the request of the end user, provide information regarding access to an alternative carrier.
  - d) A message directing complaints to the Office of Consumer Affairs of the Minnesota Public Utilities Commission as follows:

Complaints regarding rates for calls within Minnesota should be directed to:

Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
St. Paul, Minnesota 55101-2147  
Phone: (651) 296-0406 or (800) 657-3782

7. Ensure that the pre-subscribed call aggregator allows end users to use “950) and “800” access code numbers for their interchange company (IXC) of choice and the charge of accessing the “950/800” ICX is no greater than the carrier’s normal charge for such a service.
8. AOS providers are prohibited from blocking access to other carriers via any form of 10XXX access other than 10XXX-1; and, will withhold compensation to call aggregators (on a location-by-location basis) who fail to comply with this regulation.
9. AOS providers must provide, upon request by an end user, information on how to access an alternative carrier. The information can include “800 or 950” numbers, access codes, or a referral to specific alternative carriers.
10. AOS charges must be billed to the end user within 90 days of the date the service was provided.
11. Local Exchange companies and Independent Local Exchange companies are prohibited from disconnecting an end user’s local service for non-payment of AOS charges.
12. AOS providers are prohibited from imposing any charges over and above what is on file with the Commission. AOS providers are prohibited from billing for, or including as part of their service charges, any surcharge imposed on the AOS provider by the call aggregator.
13. AOS providers must immediately transfer or redirect all emergency calls initiated by dialing “0” + “911” to the Local Exchange company or the appropriate emergency response agency.

August 18, 1999

TO: Energy and Telecommunications Service Lists

FROM: Burl W. Haar, Responsible Authority Designee, Minnesota Public Utilities Commission  
Jim Bernstein, Responsible Authority Designee, Minnesota Department of Public Service

RE: **Revised Procedures for Handling Trade Secret and Privileged Data**

On December 24, 1984, the Responsible Authority Designees of the Minnesota Public Utilities Commission ("Commission") and the Minnesota Department of Public Service ("Department") gave notice of their jointly adopted Internal Procedures for Handling Trade Secret Information. Developed pursuant to the Minnesota Government Data Practices Act, these procedures governed the internal handling of "proprietary" and "trade secret" commercial and financial data filed with the Commission. The Department joined the Commission in adopting the procedures because it maintains the data filed in all Commission matters. Within a year, these procedures were revised, and on October 25, 1985, the Designees gave notice of the Amended Internal Procedures for Handling Trade Secret Information.

In July 1994, the Commission adopted Minnesota Rules 7829.0500 which specified procedures to be followed when filing "privileged proprietary" or "trade secret" data with the Commission. In October 1998, a dispute arose about the public accessibility of certain contracts that had been filed with the Commission as proprietary, trade secret data. The matter was referred for resolution to the Public Information Policy Analysis division of the Minnesota Department of Administration. On December 31, 1998, the Commissioner of Administration issued an opinion advising that any "proprietary" data filed with the Commission and held by the Department is public data under the Data Practices Act and disclosable to anyone who requests it. Data that meets the Act's definition of "trade secret," however, is "nonpublic" data which is protected from disclosure. *See* Comm'r of Admin. Advisory Op. 98-054, at 2-3 (Dec. 31, 1998). The Commissioner also advised that insofar as Minnesota Rules 7829.0500 states that "proprietary," non-trade secret data may be protected from disclosure by the Commission and Department, the rule must yield to the Data Practices Act, which is controlling law. *Is.* At 3-4.

Upon review of the Commissioner's advisory opinion and the relevant law, we, as the Responsible Authority Designees of the Commission and Department, have concluded that commercial, financial, and other filed data that is merely "proprietary" in nature is indeed public data under the Data Practices Act and accessible to anyone upon request. *See* Minn. Stat. § 13.03, subd. 1. Data that meets the definition of trade secret data under the Act, however, is nonpublic and generally protected from public access. *See* Minn. Stat. § 13.37, subds. 1. (b) and 2. We also conclude that under Minnesota Rule 7829.0500, any "privileged" data filed with the Commission, whether proprietary or not, may also be protected from disclosure. *See* Minn. R. 7829.0500, subpt. 1 (protecting from disclosure "*privileged* proprietary information, trade secrets, or *other privileged* information" (emphasis added)). "Privileged" data, which is not subject to discovery, is exempt from the Data Practices Act. *See Kobluk v. University of*

*Minnesota*, 574 N.W.2d 436, 440 & n.5 (Minn. 1998) (data to which the attorney-client privilege attaches is exempt from disclosure under the Data Practices Act). *See also* Minn. Stat. § 13.03, subd. 6 (in action under Data Practices Act to compel disclosure of not public data, action may proceed upon determination that the data sought is discoverable or releasable pursuant to the relevant rules of evidence and procedure).

In light of this, we have jointly adopted the enclosed Revised Procedures for Handling Trade Secret and Privileged Data, effective September 1, 1999. These procedures govern the form of trade secret and privileged data filed with the Commission and maintained by the Department, access to the data once it is held by these state agencies, and the use of such data in Commission and ALJ proceedings. Under the revised procedures, data identified as “proprietary” will be treated just as any other public data filed with the Commission. Only trade secret and privileged data will be protected from public disclosure.

Any questions regarding the procedures’ application should be directed to Commission Counsel in the Minnesota Attorney General’s Office.

Sincerely,

Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission

Jim Bernstein  
Deputy Commissioner  
Minnesota Department of Public Service

Enclosure

c: Edward Garvey, Chair – Minnesota Public Utilities Commission  
Gregory Scott, Commissioner – Minnesota Public Utilities Commission  
LeRoy Koppendrayner, Commissioner – Minnesota Public Utilities Commission  
Marshall Johnson, Commissioner – Minnesota Public Utilities Commission  
Joel Jacobs, Commissioner – Minnesota Public Utilities Commission  
Steve Minn, Commissioner – Minnesota Department of Public Service  
Thomas Bailey, Assistant Attorney General – State of Minnesota Office of Attorney General

**REVISED PROCEDURES FOR HANDLING TRADE SECRET  
AND PRIVILEGED DATA**

September 1, 1999

The Responsible Authority Designees of the Minnesota Public Utilities Commission (“Commission”) and the Minnesota Department of Public Service (“Department”) (collectively “the state agencies”) have adopted the following procedures for handling of trade secret and privileged data filed with the Commission.

1.     **Definitions.** “Trade secret data” means data filed with the Commission that meets the definition of trade secret in the Minnesota Government Data Practices Act, Minnesota Statutes section 13.37 (1998). “Privileged data” means data filed with the Commission that is protected from disclosure pursuant to the rules of privilege recognized by law. “Protected data” means trade secret or privileged data as defined above.

2.     **Procedure for Filing Trade Secret and Privileged Data.** Consistent with Minnesota Rule 7829.0500, subpt. 2(1997), trade secret or privileged data filed with the Commission shall be excised from all copies except for the original and six copies. A document containing trade secret or privileged data does not itself become trade secret or privileged; only the data within the document that meets the definition of trade secret or privileged data is protected data that may be excised. In the event that all or a substantial portion of the data in a document is excised, a statement must be filed describing the nature of the excised material, its authors, its import, and the date on which it was prepared. *See* Minn. R. 7829.0500, subpt. 3 (1997).

3.     **Identification of Trade Secret and Privileged Data.** Minnesota Rule 7829.0500, subpt. 4 (1997) requires that filed documents containing protected data must be clearly marked as containing data that is not for public disclosure. This requirement is met where the first page or cover page of the document is clearly captioned in bold print:  
**NONPUBLIC DOCUMENT-CONTAINS TRADE SECRET [or PRIVILEGED] DATA.**  
The rule also requires that every page on which protected data appears be similarly captioned, and that the protected data on the page be somehow clearly identified. The requirement of clearly identifying the protected data itself is met where the protected data is placed within brackets and the beginning and end of the data is indicated. For example, trade secret data

should be placed within brackets as shown: **[TRADE SECRET DATA BEGINS ... TRADE SECRET DATA ENDS]**. Privileged data should be identified in the same manner.

The first page or cover page of copies of a document from which protected data has been excised must be clearly captioned in bold print: **PUBLIC DOCUMENT-TRADE SECRET [or PRIVILEGED] DATA HAS BEEN EXCISED**. The beginning and end of the excised protected data must be identified within brackets in the same manner as when the protected data has not been excised.

4. **Statement Justifying Identification of Data as Trade Secret or Privileged.** In all cases where a person or entity files data with the Commission that is identified as trade secret or privileged, an accompanying statement justifying the state agencies treating the data as protected data must also be filed. This justification must include an explanation of how the data either meets the definition of a trade secret under Minnesota Statutes section 13.37, or is privileged under a rule of privilege recognized by law.

5. **Access to Trade Secret or Privileged Data.** Trade secret and privileged data is nonpublic and shall be protected from disclosure to the public. Internal access to protected data is limited to employees of the state agencies whose work assignments reasonably require access, and to other agencies, entities, and the data subject as authorized by state statute and federal law. *See* Minn. R. 1205.0400, subpt. 2 (1997). The state agencies exercise care in copying and storing protected data to prevent improper data disclosure both within and outside of the agencies.

Consultants hired to aid the state agencies in the execution of their duties may also have access to the data, and pursuant to statutory mandate will be contractually bound to handle the data in accordance with the requirements of the Data Practices Act as if the consultant were a government entity. *See* Act of May 25, 1999, ch.250,art.1,§42, 199 Minn. Laws (to be codified at Minn. Stat. § 13.05, subd. 11). The state agencies will not be held responsible for the actions of such a consultant if the consultant has contractually agreed to manage the data as required by the Act and these procedures.

Access to protected data will also be given to those who have obtained the written consent of the person or entity who filed the protected data with the state agencies. *See* Minn. Stat. § 1305, subd. 4(d) (1998).

6. **Trade Secret and Privileged Data in Contested Cases or Rulemakings.** In the event that trade secret or privileged data filed with the state agencies becomes relevant to a contested case or rulemaking hearing before the Office of Administrative Hearings, the protected data shall not be disclosed or introduced into evidence without prior notice to the presiding Administrative Law Judge for determination of the proper handling of the data. *See* Minn. Stat. § 14.60, subs. I and 2 (1998), and Minn. R. 1205.0100, subpt. 5 (1997).

7. **Trade Secret and Privileged Data in Commission Meetings.** All meetings where the Commission transacts public business must be open to the public. *See* Minn. Stat. § 471.705, subd. I(a) (1998). Except as expressly authorized by the law, meetings may not be closed to discuss “not public” data. *Id.* subd. 1d(a) and (e). Minnesota Statutes section 237.115 (1998) expressly authorizes the Commission to close a meeting to discuss data that is subject to a protective order. Where such an order exists, the Commission will close a meeting consistent with the requirements of the order. Where trade secret or privileged data is not subject to a protective order, the data will be discussed in the open meeting.

The Commission also has authority to issue protective orders. *See* Minn. Stat. §§14.60, subs. I and 2 (1998); 216A.02, subd. 4 (1998); and 216A.05, subd. 1 (1998). Motions for a protective order should be made only in those cases where protected data is reasonably likely to be discussed in a Commission meeting. Therefore no such motions should be made until the comment period is closed for the matter in which the data was filed. In the event a protection order is sought, the motion should be filed no later than ten days after the due date for final reply comments. The Commission will determine whether to issue a protective order that closes the meeting after weighing the data privacy interest at state against the Commission’s duty to conduct public business in an open meeting.

8. **Requests for Public Access to Trade Secret or Privileged Data.** Upon receiving a request for public access to protected data filed with the Commission, the Responsible Authority Designee for the Commission will review the statement of justification

originally filed with the data to determine whether the data is indeed protected. If it is determined that the data is protected, the data requester will be informed in writing that the data is not being disclosed and the reasons for nondisclosure. If it is determined that any or all of the data is not protected, the person or entity who filed the data will be informed in writing which data will be disclosed and the reasons for disclosure. Access to the data at issue will not be provided, however, until ten business days after the date of written notice of disclosure. The Commission's Responsible Authority Designee will inform both the data requester and the person or entity who filed the data of their right to challenge the Responsible Authority Designee's decision in district court pursuant to Minn. Stat. § 13.08, subd. 4 (1998).

AG:216897,v.I

## TARIFF TEMPLATES

<b>DISCONNECTION TARIFF</b>	Substitute your company name on the following template to assure compliance with Minnesota Rules.
<b>DEPOSIT TARIFF</b>	Substitute your company name on the following template to assure compliance with Minnesota Rules.
<b>CALL TRACE TARIFF</b>	Substitute your company name on the following template if you will be providing <i>local</i> telephone service in Minnesota.
<b>TAP TARIFF</b>	Substitute your company name on the following template if you will be providing <i>local</i> telephone service in Minnesota.
<b>LINK UP TARIFF</b>	Substitute your company name on the following template if you will be providing <i>local</i> telephone service in Minnesota and are an Eligible Telecommunications Carrier (ETC).
<b>LIFELINE ASSISTANCE</b>	Substitute your company name on the following template if you will be providing <i>local</i> telephone service in Minnesota and are an Eligible Telecommunications Carrier (ETC).
<b>TAM TARIFF</b>	Substitute your company name on the following template if you will be providing <i>local</i> telephone service in Minnesota.
<b>CUSTOMER COMPLAINTS AND/OR BILLING DISPUTES</b>	Substitute your company name and contact information on the following template.

These are sample tariffs for these issues and do NOT represent a complete tariff book.

## **DISCONNECTION OF SERVICE**

- A. The company may discontinue service to a customer without notice under the following conditions:
1. in the event of tampering with the company's equipment;
  2. in the event of a condition determined to be hazardous to the customer, to other customers of the company, to the company's equipment, the public, or to employees of the company; or
  3. in the event of a customer's use of equipment in such a manner as to adversely affect the company's equipment or the company's service to others.
- B. The company may discontinue service to a customer under the following conditions after giving customer five (5) days' (excluding Sundays and legal holidays) notice:
1. for failure of the customer to pay a bill for service when due;
  2. for failure of the customer to meet the company's deposit and credit requirements;
  3. for failure of the customer to make proper application for service;
  4. for customer's violation of any of the company's rules on file with the Commission;
  5. for failure of the customer to provide the company reasonable access to its equipment and property;
  6. for customer's breach of the contract for service between the company and the customer;
  7. for failure of the customer to furnish such service, equipment, and/or rights-of-way necessary to serve said customer as shall have been specified by the utility as a condition of obtaining service; or
  8. when necessary for the utility to comply with any order or request of any governmental authority having jurisdiction.
- C. Service will not be disconnected on any Friday, Saturday, Sunday or legal holiday, or at any time when the company's business offices are not open to the public, except where an emergency exists.

## **DEPOSIT TARIFF**

### **I. ADVANCE PAYMENTS**

- A. At the time an application for service is made, an applicant may be required to pay an amount equal to at least one month's service and/or installation charges which may be applicable, in addition to such special construction and installation charges as are to be borne by the applicant. The amount of the advance payment is credited to the customer's account on the first bill rendered.
- B. Federal, State or Municipal governmental agencies may not be required to make advance payments.

### **II. CREDIT POLICY**

#### **A. Deposit and Guarantee Requirements**

The utility may require a deposit or guarantee of payment from any customer or applicant who has not established good credit with that utility. Deposit or guarantee of payment requirements as prescribed by the utility must be based upon standards which bear a reasonable relationship to the assurance of payment. The utility may determine whether a customer has established good credit with that utility, except as herein restricted:

- 1) A customer, who within the last 12 months has not had service disconnected for nonpayment of a bill and has not been liable for disconnection of service for nonpayment of a bill, and the bill is not in dispute, shall be deemed to have established good credit.
- 2) A utility shall not require a deposit or a guarantee of payment based upon income, home ownership, residential location, employment tenure, nature of occupation, race, color, creed, sex, marital status, age, national origin, or any other criteria which does not bear a reasonable relationship to the assurance of payment or which is not authorized by this chapter.
- 3) No utility shall use any credit reports other than those reflecting the purchase of utility services to determine the adequacy of a customer's credit history without the permission in writing of the customer. Any credit history so used shall be bailed to the customer in order to provide the customer an opportunity to review the data. Refusal of a customer to permit use of a credit rating or credit service other than that of a utility shall not affect the determination by the utility as to that customer's credit history.
- 4) Qualifying applicants for Lifeline Service may initiate service without paying a deposit if they voluntarily elect to have Toll Blocking on their line. Toll Blocking will be provided at no charge to Lifeline customers. When required, a customer may assure payment by submitting a deposit. A deposit shall not exceed an estimated two months' gross bill or existing two months' bill where applicable. All deposits shall be in addition to payment of an outstanding bill or a part of such bill as has been resolved to the satisfaction of the utility, except where such bill has

been discharged in bankruptcy. A utility shall not require a deposit or a guarantee of payment without explaining in writing why that deposit or guarantee is being required and under what conditions, if any, the deposit will be diminished upon return. The deposit shall be refunded to the customer after 12 consecutive months of prompt payment of all bills to that utility. The utility may, at its option, refund the deposit by direct payment or as a credit on the bill. With notice any deposit of a customer shall be applied by the utility to a bill when the bill has been determined by the utility to be delinquent. Each utility shall issue a written receipt of deposit to each customer from whom a deposit is received and shall provide a means whereby a depositor may establish a claim if the receipt is unavailable.

Interest shall be paid on deposits in excess of \$20 at the rate set by the Commissioner of the Department of Commerce as required by Minnesota Statutes §325E.02. The interest rate may be found on the Department of Commerce website at [www.commerce.state.mn.us](http://www.commerce.state.mn.us). Interest on deposits shall be payable from the date of deposit to the date of refund or disconnection. The utility may, at its option, pay the interest at intervals it chooses but at least annually, by direct payment, or as a credit on bills.

Upon termination of service, the deposit with accrued interest shall be credited to the final bill and the balance shall be returned within 45 days to the customer.

#### B. Guarantee of Payment

The utility may accept, in lieu of deposit, a contract signed by a guarantor satisfactory to the utility whereby payment of a specified sum, not exceeding the deposit requirement, is guaranteed. The term of such contract shall be for no longer than 12 months, but shall automatically terminate after the customer has closed and paid the account with the utility, or at the guarantor's request upon 60 days' written notice to the utility. Upon termination of a guarantee contract or whenever the utility deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required for good cause upon reasonable written notice to the customer.

The service of any customer who fails to comply with these requirements may be disconnected upon notice as prescribed in Minnesota Rules. The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.

\_\_\_\_\_  
Company

TELEPHONE TARIFF  
MINNESOTA

PART \_\_\_\_  
SHEET \_\_\_\_  
ORIGINAL

**GENERAL EXCHANGE SERVICES**

CALL TRACING

A. GENERAL

Call Tracing allows for the identification and recording of the telephone numbers of some or all of the incoming calls to the telephone line of a customer.

B. DEFINITIONS

1. Customers – means a person, firm, partnership, limited liability company, corporation, municipality, cooperative association or organization, governmental agency, or other entity receiving telecommunications services.
2. Customer-originated call-tracing service – means a customer-activated, call-specific form of call tracing available as part of a set of services called Customer Local Area Signaling Service (CLASS).
3. Emergency – means a situation that appears to present immediate danger to person or property.
4. Investigative or law enforcement officer – means an officer of the United States, a state, or a political subdivision of the United States or a state, or a University of Minnesota peace officer, which is empower by law to investigate or make arrests for crimes related to communications, or an attorney authorized by law to prosecute those crimes.

C. TERMS AND CONDITIONS

1. Call Tracing will be provided when requested by both a customer and an investigative or law enforcement officer and the customer has provided consent. Normally written consent will be required.

In emergencies, call tracing will be provided upon receiving oral consent from the customer. The customer will be requested to provide written consent promptly and advised to seek the assistance of an investigative or law enforcement officer.

ISSUED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

BY: \_\_\_\_\_  
Name Title Address

\_\_\_\_\_  
Company

TELEPHONE TARIFF  
MINNESOTA

PART \_\_\_\_  
SHEET \_\_\_\_  
ORIGINAL

**GENERAL EXCHANGE SERVICES**

CALL TRACING

(N)

C. TERMS AND CONDITIONS (continued)

- 2. Information regarding the originating telephone numbers will be disclosed only to investigative or law enforcement officers, not to customers receiving call-tracing services.
- 3. The company will work with investigative or law enforcement officers to determine how long call-tracing services should be provided.
- 4. The company may provide customer-originated call-tracing service (CLASS Call Trace) as an alternative to Call Tracing in response to a Call Tracing request from a customer who is located in an exchange where CLASS Call Trace is available and where CLASS Call Trace will function as accurately as Call Tracing.

D. RATES

- 1. Call Tracing Setup
  - a. During Normal Business Hours \$
  - b. Outside of Business Hours \$
- 2. Extension of Call Tracing period at request of investigative or law enforcement agency No Charge
- 3. Provision of Call Tracing information to investigative or law enforcement agency No Charge

(N)

ISSUED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

BY: \_\_\_\_\_  
Name Title Address

## Name of Company

### Telephone Assistance Plan (TAP)

#### 1. General

TAP is a state sponsored assistance program under Minnesota Statutes Chapter 237 and is designed to make telephone service accessible to qualifying low-income residential households. Through this program, eligible households will receive a monthly discount on their telephone service.

#### 2. Eligibility Requirements

To be eligible for assistance, an applicant must meet the following requirements:

- 2.1 This discount applies on a single line at the principal place of residence for the applicant.
- 2.2 Applicant signs document certifying under penalty of perjury that the consumer has income at or below 135 percent of the Federal Poverty Guidelines or receives benefits from at least one of the following programs:

- Medicaid
- Food Support (Food stamps)
- Supplemental Security Income
- Federal Public Housing Assistance or Section 8
- Low Income Home Energy Assistance Program
- National School Lunch Program's Free Lunch Program
- Temporary Assistance for Needy Families (Minnesota Family Investment Program, or MFIP)

Individuals who do not qualify under any of the above but live on a federally recognized reservation may qualify if the applicant signs a document certifying under penalty of perjury that the applicant receives benefits from at least one of the following programs:

- Bureau of Indian Affairs General Assistance
- Tribally Administered Temporary Assistance for Needy Families
- Head Start (only for those meeting its income qualifying standard)
- National School Lunch Program's free lunch program

- 2.3 Applicant agrees to notify the carrier if that consumer ceases to participate in any of the above listed federal assistance programs.

#### 3. Eligibility Revocation

If the telephone company discovers that conditions exist that disqualify the recipient of TAP, the support will be discontinued. The customer will be billed retroactively to whichever is the most recent of the dates TAP assistance commenced or the recipient no longer qualified for the service not to exceed 12 months.

4. State TAP Monthly Surcharge: The surcharge rate is the effective rate ordered by the Minnesota Public Utilities Commission. The company is responsible for billing, collecting and remitting the surcharge to appropriate government agency.

## LOCAL EXCHANGE TARIFF – LINK-UP ASSISTANCE

### A. General

The Link-Up Service Connection Program is a federally sponsored assistance program under 47CFR54 and is designed to make telephone service accessible to qualifying low-income residential households who are currently not on the public switched network. Through this program, the service connection charge for the initial installation of the main access line will be discounted to the applicant at a rate of 50 percent, not to exceed \$30. The remaining portion of the service connection charge, up to \$200, may be installment billed, interest-free, over a period of one year.

In addition, residents of Tribal Lands may qualify for an additional reduction of up to \$70 to cover 100% of the charges between \$60 - \$130 charges to connect the subscriber to the network, including facilities based line extension or construction charges needed to initiate service.

### B. Eligibility Requirements

To be eligible for assistance, an applicant must meet the following requirements:

1. This discount applies on a single line at the principal place of residence for the applicant.
2. Applicant can receive the benefit of the Link-Up Program a second or subsequent time only for a principal place of residence with an address different from the residence address at which Link-Up assistance was previously provided.
3. Applicant signs document certifying under penalty of perjury that the consumer has income at or below 135 percent of the Federal Poverty Guidelines or receives benefits from at least one of the following programs:

- Medicaid
- Food Support (Food stamps)
- Supplemental Security Income
- Federal Public Housing Assistance or Section 8
- Low Income Home Energy Assistance Program
- National School Lunch Program's Free Lunch Program
- Temporary Assistance for Needy Families (Minnesota Family Investment Program, or MFIP)

Individuals who do not qualify under any of the above but live on or near a federally recognized reservation may qualify if the applicant signs a document certifying under penalty of perjury that the applicant receives benefits from at least one of the following programs:

- Bureau of Indian Affairs General Assistance
- Tribally Administered Temporary Assistance for Needy Families
- Head Start (only for those meeting its income qualifying standard)

## National School Lunch Program's free lunch program

4. Applicant agrees to notify the carrier if that consumer ceases to participate in any of the above listed federal assistance programs.

### C. Credit and Collections

#### 1. Credit Reference

The credit verification procedures used for all applicants who apply for service will also be used for applicants who apply for service under the Link-Up program.

#### 2. Deposits

The deposit standards used for all applicants who apply for service will also be used for applicants who apply for service under the Link-Up program. The Link-Up program does not reduce or eliminate any permissible security deposits.

#### 3. Collection Standards

Once service has been established for a Link-Up applicant, he or she will be expected to adhere to the same bill payment policies expected of any other customer.

## **LIFELINE ASSISTANCE**

The Lifeline Assistance (Lifeline) program, established by the Federal Communications Commission under 47CFR54, is a means of maintaining and preserving universal service by providing a reduction in the recurring price of basic local residential exchange access service to qualifying low-income subscribers.

### **A. General**

1. Lifeline is a federally-funded reduction of the subscriber line charge (SLC) and a reduction of local service charges. Effective July 1, 2002, eligible applicants may receive a maximum reduction of \$7.75 (Tiers One and Two) or the company's SLC rate on their local telephone bill. (The maximum rate changes depending on the company's approved SLC tariffs.) Eligible applicants living on or near federally recognized Tribal Lands/reservations will receive an additional credit of up to \$25.00 (Tier Four) sufficient to reduce the monthly rate for local service to no less than \$1.00 inclusive of this subscriber line charge.
2. Federal Universal Service Fund End User Charge will not be billed to Lifeline customers.
3. Local service for Lifeline subscribers may not be disconnected for non-payment of toll charges.
  - a. Toll Restriction Service will be provided to Lifeline subscribers at no charge.
  - b. Lifeline subscribers are not required to accept Toll Restriction Service as a condition to avoid disconnection of local service for non-payment of toll.
  - c. Lifeline subscribers are not required to pay a service deposit in order to initiate service if the subscriber voluntarily elects to receive Toll Restriction Service.
4. Partial payments from Lifeline subscribers will be applied first to local service charges and then to toll charges.
5. Lifeline subscribers will not be denied re-establishment of service on the basis that the subscriber was previously disconnected for non-payment of toll charges.

### **B. Eligibility Requirements**

1. Lifeline will be provided for one (1) telephone line per household, at the subscriber's principal place of residence, to those individuals who meet the eligibility requirements.
2. The applicant has income at or below 135 percent of the Federal Poverty Guidelines or participates in one of the following programs:

Medicaid/Medical Assistance  
Food Support /Food stamps  
Supplemental Security Income  
Federal Public Housing Assistance or Section 8  
Low Income Home Energy Assistance Program (LIHEAP)  
National School Lunch Program's Free Lunch Program  
Temporary Assistance for Needy Families (Minnesota Family Investment Program, or MFIP)

Individuals who do not qualify under any of the above but live on or near a federally recognized reservation may qualify if the applicant receives benefits from at least one of the following programs:

Bureau of Indian Affairs General Assistance  
Tribally Administered Temporary Assistance for Needy Families  
Head Start (only for those meeting its income qualifying standard)  
National School Lunch Program's free lunch program

3. The applicant signs a document certifying under penalty of perjury that the applicant receives benefits from one of the programs listed and identifying the program or programs from which that consumer receives benefits.
4. The applicant signs a document agreeing to notify the carrier if that consumer ceases to participate in the program or programs. When the company is notified by the customer that the customer no longer participates in one of the above programs, the federal credits to that customer's monthly charges shall cease beginning with the start of the billing cycle beginning in the month after the month in which notification is received.

C. Eligibility Revocation

If the telephone company discovers that conditions exist that disqualify the recipient of Lifeline Assistance, the support will be discontinued. The customer will be billed retroactively to whichever is the most recent of the dates Lifeline assistance commenced or the recipient no longer qualified for the service not to exceed 12 months.

## Name of Company

### TELECOMMUNICATIONS ACCESS MINNESOTA (TAM)

#### 1. Definition

This tariff provides for a surcharge to establish and administer a program to distribute communications devices to eligible Minnesotans who have a hearing, speech, or physical disability and to create and maintain telecommunications relay services.

#### 2. Eligibility for Communications Devices

The Department of Human Services is responsible for distributing communications devices and will determine if a consumer is eligible for such devices. To be eligible to obtain a communication device, a person must be:

- a. able to benefit from and use the equipment for its intended purpose;
- b. have a hearing, speech or physical disability;
- c. a resident of the state;
- d. a resident in a household that has a median income at or below the applicable median household income in the state, except a deaf and blind person applying for a telebraille unit may reside in a household that has a median income no more than 150 percent of the applicable median household income in the state; and
- e. a resident in a household that has telephone service or that has made application for service and has been assigned a telephone number; or a resident in a residential care facility, such as a nursing home or group home where telephone service is not included as part of overall service provision.

#### 3. Eligibility for Wiring Installation

If a person with a hearing, speech or physical disability does not have wiring to the person's premise to receive telephone service, and the person is subject to economic hardship as determined by the Department of Human Services, the telephone company providing local service shall at the direction of the administrator of the program install necessary outside wiring without charge to the household.

#### 4. Funding

The program is funded through a surcharge on residence and business access lines which pay the 911 surcharge.

#### 5. Rates

The surcharge rate is the effective rate ordered by the Minnesota Public Utilities Commission. The company is responsible for billing, collecting and remitting the surcharge to appropriate government agency.

## CUSTOMER COMPLAINTS AND/OR BILLING DISPUTES

### Customer Complaints, Billing Disputes & Inquiries

Customers may register any inquiry or complaint at (*insert telephone company name, address, telephone, website and, if possible, an email address here*)

Customers unable to resolve a dispute with the company may submit any inquiry or complaint to the:

Minnesota Public Utilities Commission  
Consumer Affairs Office  
121 7<sup>th</sup> Place E Suite 350  
St Paul MN 55101-2147  
Metro 651-296-0406  
Non-Metro 1-800-657-3782  
Fax 651-297-7073  
Email: [consumer.puc@state.mn.us](mailto:consumer.puc@state.mn.us)  
Web [www.puc.state.mn.us](http://www.puc.state.mn.us)

**SEND FULL COPY OF APPLICATION TO THESE PARTIES:**

MN PUC/Department of Commerce  
Service on these agencies is  
accomplished by electronically  
filing your application as listed on  
the fourth page of this application.

Original plus 5 copies  
(If part of the application is **TRADE SECRET**,  
you must provide both **TRADE SECRET** and  
**PUBLIC** versions.)

When you file your application electronically, you DO NOT need to mail any copies to the above address.

Curt Nelson  
Attorney General's Office  
1200 NCL Tower  
445 Minnesota Street  
St. Paul, MN 55101

1 **PUBLIC** copy

Julia Anderson  
Attorney General's Office  
525 Park Street, Suite 200  
St. Paul, MN 55103

1 **PUBLIC** copy

**IF YOU ARE GOING TO PROVIDE LOCAL SERVICE, YOU MUST PROVIDE A COPY TO:**

Jackie Mines  
911 Coordinator  
Dept. of Public Safety  
444 Cedar Street  
Town Square, Suite 137  
St Paul MN 55101-5126

1 **PUBLIC** copy

**IF YOU ARE GOING TO PROVIDE LOCAL SERVICE IN THE METRO AREA, YOU MUST ALSO PROVIDE A COPY TO:**

Executive Director  
Metropolitan Emergency Services Board  
2099 University Avenue West, Suite 201  
St. Paul, MN 55104

1 **PUBLIC** copy

**IF YOU ARE GOING TO PROVIDE LOCAL SERVICE, YOU MUST PROVIDE A PUBLIC COPY TO THE INCUMBENT CARRIER IN THE AREAS IN WHICH YOU ARE SEEKING AUTHORITY. HERE ARE THE ADDRESSES OF THE FOUR LARGEST COMPANIES IN MINNESOTA:**

Citizens Telecommunications Company  
Scott Bohler  
2378 Wilshire Boulevard  
Mound, MN 55364-1652

Frontier Communications of Minnesota, Inc.  
Jack Phillips  
14450 Burnhaven Drive  
Burnsville, MN 55306

Embarq Minnesota, Inc.  
Cathy Clucas  
1630 World Trade Center  
30 East 7<sup>th</sup> Street  
St. Paul, MN 55101-4901

Qwest Corporation  
JoAnn Hanson  
200 South 5<sup>th</sup> Street, Room 390  
Minneapolis, MN 55402