

NOTICE OF STAFF PROPOSAL AND COMMENT PERIOD

Issued: August 12, 2019

In the Matter of a Commission Investigation into the Appropriate Notice and Outreach Requirements for Eligible Telecommunications Carriers under 47 U.S.C. §214(e)

PUC Docket Number: P999/CI-17-509

Comment Period: Initial comment period closes September 27, 2019 at 4:30pm
Reply comment period closes October 16, 2019 at 4:30pm

Comments received after the close of the comment period may or may not be considered by the Commission.

Issue: Should the Commission adopt the draft staff proposal as listed on Attachment A, related to requirements for Eligible Telecommunications Carriers (ETCs) entry into, operations, and (when applicable) exit from Minnesota?

Topics Open for Comment: Draft Staff Proposal and Related Questions in Attachment A.

Background: In July 2017, the Commission opened the current docket to explore potential customer disclosure requirements for ETCs, with a focus on Lifeline service. In July 2018, the Commission expanded the scope of the investigation. After additional developments in specific dockets, the Commission now asks whether additional issues should be clarified and made part of this investigation.

Filing Requirements: Utilities, telecommunications carriers, official parties, and state agencies are **required** to file documents using the Commission's electronic filing system (eFiling). All parties, participants and interested persons are encouraged to use eFiling: mn.gov/puc, select *eFiling*, and follow the prompts.

Submit Public Comments: Visit mn.gov/puc, select *Speak Up!* to find this docket, and add your comments to the discussion or email your comments to consumer.puc@state.mn.us.

Full Case Record: See all documents filed in this docket via the Commission's website at mn.gov/puc, select *Search eDockets*, enter the year (2017) and the docket number (509), select *Search*.

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Questions about this docket or Commission process and procedure? Contact Commission staff, Michelle Rebholz, at michelle.rebholz@state.mn.us or 651-201-2206.

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To request this document in another format such as large print or audio, call 651.296.0406 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

Attachment A: Draft Staff Proposal and Related Questions

Applications for ETC Authority

- 1) Staff proposes that an application for Lifeline-only ETC authority include a list of ETCs that already offer Lifeline in the applicant's proposed service area. Please comment.
- 2) Staff proposes that an application for Lifeline-only ETC authority should require the applicant to list any adverse administrative legal actions that are pending or completed in other jurisdictions. Please comment.
- 3) Staff proposes that an applicant for Lifeline-only ETC authority should be required to respond to Consumer Affairs Office complaints within 5 days, as required for certificated carriers, under Minn. Rules 7810.1100 subparts 2 and 3. Please comment. In addition, should a Lifeline-only ETC be required to comply with all of Minn. Rules 7810.1100? Are there other consumer protection-related rules in Chapter 7810 or other chapters that an applicant should be required to comply with?
- 4) Staff proposes that the Commission clarify the type of documentation that should be required of a Lifeline-only ETC related to 911 service, in an application for ETC authority. Please comment. For instance, should the Commission only act on an application after receiving documentation from the Minnesota Department of Public Safety? If so, what type of documentation?
- 5) Staff proposes that an applicant for ETC authority be required to include both a regulatory contact for Department and Commission staff questions, as well as a contact for the Consumer Affairs Office for customer complaints. Please comment.
- 6) Staff proposes that an applicant for ETC authority that will be offering Lifeline agree to distribute a standard customer notice issued by the Commission's Consumer Affairs Office that includes information on the Lifeline customers' rights, the contact information for CAO, an overview of the Lifeline program, and other related content. Please comment.
- 7) Staff proposes that an applicant for Lifeline-only ETC service should be required to serve the application on a predetermined list of stakeholders, which should include, but may not be limited to, the Office of Attorney General, Department of Commerce, Department of Public Safety, and ETCs in the applicant's proposed service area. Please comment. If the applicant's proposed service area includes Tribal lands, should the Tribe's authorized representative be served?
- 8) Staff proposes that upon receipt of a petition for ETC authority, the Commission immediately issue a notice setting out procedure, as is done at some other state commissions. Please comment. If so, who should the notice be served on?
- 10) Should applications for ETC authority include any additional information? Are there obligations or other commitments ETC applicants should be expected to make?

Ongoing Requirements While Operating in Minnesota as an ETC

11) Staff proposes that an ETC that offers Lifeline in Minnesota is required to distribute a standard customer notice approved by the Commission's CAO (see question 6 above), the ETC should be required to distribute that notice regularly. Please comment. Should the ETC distribute it within 7 days of the customer being enrolled for Lifeline and annually thereafter? Should ETCs who offer TAP (that is, ETCs with a certificate of authority to provide local service with the Commission) be exempt from this requirement due to the requirement under the TAP statute to provide an annual notice?

12) Staff proposes that a Lifeline-only ETC be required to file and annually update informational tariffs. Staff further proposes that the informational tariffs include offers, pricing, service area, and other policies and practices, including but not limited to lost phones, complaint process and marketing efforts. (See also, for example, Questions 3 and 5 for possible topics to include.) Please comment.

13) Should Lifeline-only ETCs be required to file maps of their service areas in Minnesota?

14) Beyond the information filed annually in the Commission's Lifeline recertification docket (19-20 for the current year), should ETCs that offer Lifeline be required to provide notifications or other assistance to Lifeline customers during the recertification process?

15) Are there any other ongoing obligations that should be required of ETCs that offer Lifeline, in particular Lifeline-only ETCs?

Relinquishments of ETC authority

16) How far in advance should an ETC, in particular an ETC that does not have a certificate of authority in Minnesota, be required to file a relinquishment petition? Should the ETC be required to file a relinquishment no less than 90 days before it expects the Commission to act on this relinquishment? Why or why not?

17) Staff proposes that the ETC requesting relinquishment be required to send out a notice approved in advance by the Commission's CAO, to the ETC's Lifeline customers. Please comment.

18) Who should the ETC serve its relinquishment request on? If Tribal lands are affected by the relinquishment, should the Tribes authorized representative be served? Should specific information be in the notice served on the service list?

19) Staff proposes that the Commission immediately issue a notice, as is the practice with some other Commissions, notifying a service list of the relinquishment request. Please comment. If so, who should the notice be served on and are there specific questions that should be listed in the notice? Should an IR and comment schedule be part of the notice?

20) Should the ETC's relinquishment request include specific information, such as:

- a) whether any refunds are due to customers that may have prepaid for service;
- b) the type and content of proposed notice to Lifeline customers;
- c) the ETCs that serve in the area subject to the relinquishment request;
- d) instructions on how a customer can move to a new ETC; and
- d) other information necessary for the processing of the request.

21) Staff proposes that an ETC whose relinquishment is granted be required to make a compliance filing indicating how many of its Lifeline customers affirmatively moved to another carrier as of the date the ETC exited Minnesota. Please comment.

22) Any other potential requirements for an ETC relinquishment request.

Overall Standards

23) Staff's final proposal is that if adopted, these standards be updated as needed, due to the specialized and varying nature of issues related to Lifeline and ETC obligations.