

## Common filings made with the Minnesota Public Utilities Commission

As a certificated carrier, you may decide to change or end your operations in Minnesota. Listed below are instructions for some of the most common filings telecommunications carriers must submit.

### **Changing services provided to customers, introducing new services, or changing your rates or conditions of service (applies only to CLECs):**

All changes to your service, including changes to your rates, introducing new services, or changing conditions of your service, must be filed in your tariff. Your tariff will need to be revised before changing the service as follows: **Rate increases:** File 20 days before increase is effective; carriers must also provide 20 day notice to customers (**Note:** notice to customers of a rate increase **MUST** include the heading “Notice of Price Increase.” Notices do not require an explanation why the increase is being implemented. If a notice explains why the increase is being implemented, the explanation must be accurate and may not imply that the increase is government-mandated or otherwise outside of the company’s control. To ensure that consumers receive accurate disclosures, the Department may investigate any rate increase notice that implies the increase is due to government action or otherwise due to factors outside the company’s control.) **Rate decreases:** May be effective immediately upon filing **Significant change in term or condition of service:** File 20 days before change is effective; carriers must also provide 20 day notice to customers **Introducing new service:** May be effective immediately upon filing **Promotion:** May be effective immediately upon filing **Discontinuing a service other than basic local service:** File 20 days before discontinuance is effective; carriers must also provide 20 day notice to customers. Terminating service to individual customers is addressed by Minnesota Rules part 7810.1800-2100.

*Carriers must use efilings. Any tariff concerning 911 service should also be provided to the two agencies that handle 911 issues in Minnesota. Addresses are listed below.*

### **Expanding your service area:**

Telecommunications carriers that wish to expand their service area to include additional exchanges for the provision of local service must file the following information with the Minnesota Department of Commerce and the Minnesota Public Utilities Commission. Notice of the filing must also be provided to the incumbent local exchange provider certified in that area and any affected municipality. The filing should include:

- A descriptive narrative of the area into which you plan to expand, and;
- A map of the area into which you plan to expand, or a list of exchanges in lieu of a map.
- An updated 911 plan for the additional service areas. Expanding your service area requires approval by the Commission. You will receive an order from the Commission either approving or denying your request.

### **Changing your 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 with the Minnesota Public Utilities Commission and Minnesota Department of Commerce:

- A letter requesting the name change or assumed name
- A certificate from the Minnesota Secretary of State's office ([www.sos.state.mn.us](http://www.sos.state.mn.us)) showing the name has been registered in Minnesota;
- A revised tariff incorporating the new name;

- 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 the Metropolitan Emergency Services Board.

Changing your company name requires approval by the Commission. You will receive an order from the Commission either approving or denying your request.

**Acquiring another company:**

Minnesota-certified telecommunications providers that will realize 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. Petitions should include an affidavit signed by an officer of each of the requesting parties attesting to the accuracy of the following information:

- That the current transaction will not be completed prior to the Commission's approval. Include a copy of sales agreement;
- That the acquiring party has the financial capability to continue to provide service to customers and 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 (Minnesota Department of Public Safety and/or Metropolitan Emergency Services Board), counties, underlying carriers, and any other affected party of changes (e.g. contact persons, company names) in an existing 911 ILEC contract or 911 CLEC Plan; 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 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 explain whether the acquired company names will be used as assumed names by the acquiring company;
- Describe who shall be 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 year that the acquired company was in existence) and state which party will pay any outstanding regulatory fees of the acquired company;
- Describe the parties' customer notification plans;
- Describe anticipated tariff changes or including 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 the 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) will the TAP reports 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.

Acquiring another company requires Commission approval. You will receive an order from the Commission either approving or denying your request.

**Relinquishing your 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. Carriers should also include:

- 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.

Carriers that provide local service should also do the following:

- 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 authorized to provide service in the 7 county metropolitan area) , so that your 911 plan can be cancelled.
- Facilities based carriers should notify NANPA so that NXX blocks can be returned.

Local service providers must provide at least 60 days written notice 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.

**Filing Trade Secret Information:**

If you need to file trade secret information, please follow the instructions located at the Commission’s website at [www.puc.state.mn.us/docs/privileg.pdf](http://www.puc.state.mn.us/docs/privileg.pdf)

**Where and how to file:**

When submitting any of the above filings, use the edockets system at [www.edockets.state.mn.us](http://www.edockets.state.mn.us) or send to:

Dr. Burl Haar Executive Secretary Minnesota Public Utilities Commission 121 7th Place East, Suite 350 St Paul MN 55101

With copies to: Minnesota Department of Commerce Linda Chavez 85 7th Place East, Suite 500 St. Paul MN 55101-2198

For tariff revisions and relinquishing your local certificate of authority, also send a copy to:  
Office of Attorney General Residential and Small Business Utilities Division 900 NCL Tower  
445 Minnesota Street St Paul MN 55101 Any tariff or tariff filing that concerns 911 service must  
also be served on the Department of Public Safety and, if authorized to provide service in the 7  
county metropolitan area, the Metropolitan Emergency Services Board, at the same time it is filed  
with the Commission: