

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of)
Section 63.71 Application of)
)
Charter Fiberlink CA-CCO, LLC,)
Charter Fiberlink CCO, LLC,)
Charter Fiberlink CC VIII, LLC,)
Charter Fiberlink – Tennessee, LLC,)
Charter Fiberlink TX – CCO, LLC,)
Charter Advanced Services (CA), LLC,)
Charter Advanced Services (MN), LLC,)
Charter Advanced Services VIII (MN), LLC,)
Charter Advanced Services (TN), LLC,)
Charter Advanced Services (TX), LLC,)
Charter Advanced Services (TX), LLC,)
Charter Advanced Services (WI), LLC and)
Charter Advanced Services VIII (WI), LLC)
)
For Authority to Discontinue)
Interconnected VoIP Service)

WC Docket No. 14-67

COMMENTS ON SECTION 63.71 APPLICATION

The Minnesota Department of Commerce (MNDOC) is a regulatory agency in Minnesota that is responsible for the enforcement of Minnesota Statutes and rules of the Minnesota Public Utilities Commission (MNPUC) concerning telecommunications. The March 11, 2014 petition of Charter Fiberlink CCO, LLC, Charter Fiberlink CC VIII, LLC, Charter Advanced Services (MN), LLC and Charter Advanced Services VIII (MN), LLC (among various other Charter affiliates), to discontinue offering what it describes as “interconnected Voice over Internet Protocol (VoIP) Services” in Minnesota (and various other states), will result in Charter not complying with Minnesota regulatory requirements. The MNDOC asks the FCC to either deny or suspend any action on this application until the MNPUC concludes that Charter has satisfied its requirements under Minnesota law. Minnesota has an open Docket

(P6716, P5615/C-14-383) to address the various regulatory issues affecting the Minnesota Charter Affiliates.

Charter Fiberlink CCO, LLC and Charter Fiberlink CC VIII, LLC (together, Fiberlink) currently hold operational certificates of authority to provide facilities based and resold local, long distance and private line service in Minnesota. Charter Advanced Services (MN), LLC and Charter Advanced Services VIII (MN), LLC are not certified with the MNPUC. There are certain regulatory requirements that apply to all certified local service providers in Minnesota, including the provision of single party voice-grade service, 911 service and the provision of Minnesota's low income assistance program, called the Telephone Assistance Plan (TAP). Fiberlink companies were granted authority to operate in Minnesota by complying with Minnesota Statutes and Rules. Further, Minnesota Statutes Section 237.74 requires a certified carrier in Minnesota to file and receive approval from the Minnesota Public Utilities Commission before transferring customers to another carrier, including notice to the affected customers.

Without seeking approval from the Minnesota Public Utilities Commission or even providing notice, the Fiberlink companies transferred customers to its non-certified entities, on or about March 1, 2013. The MNDOC and MNPUC first became aware of this transfer in February 2014, when it was learned that Fiberlink companies were no longer collecting from customers, and remitting funds into, either Minnesota's TAP program or the Telecommunications Access Minnesota (TAM) program. The TAM program funds the Minnesota Relay and Telecommunications Equipment Distribution programs, which facilitates communication needs of the deaf, deaf/blind, hard of hearing and speech disabled persons. Fiberlink entities also stopped offering the TAP program to new customers, which enables low income customers to reduce their monthly telephone bill by \$3.50/month. Incredibly, after Fiberlink's transfer of these customers to an uncertified affiliate, without any approval or notice to Minnesota's regulatory

agencies, Charter makes the statement on page 2 of its petition: “The Charter Fiberlink Companies currently have no customers for their services.”

In a March 18, 2014 conference call with Charter representatives concerning the decision to stop collecting and remitting fees for the TAP and TAM programs, and to not receive MNPUC approval to transfer customers, Charter stated that the customers are interconnected VoIP customers, and thus, not subject to the jurisdiction of the MNPUC or the MNDOC. Despite Charter’s self-declaration that its services are not regulated in Minnesota, the Fiberlink companies continue to maintain certificates of authority in Minnesota, and their primary business after the transfer, apparently, is to provide wholesale services to their unregulated affiliates. Essentially, Fiberlink companies demand and benefit from their interconnection agreements with regulated entities, and the Fiberlink companies unregulated affiliates ride on the facilities made possible by those agreements. Since the Fiberlink companies continue to maintain certificates of authority in Minnesota, they are subject to Minnesota law as well as the rules of the MNPUC, unless the rules are waived. At this time the Fiberlink companies have not sought waiver of any MNPUC rules. The MNPUC cannot waive Minnesota law.

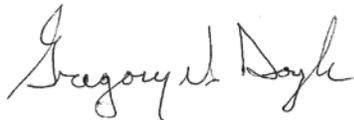
The Minnesota Docket (P6716, P5615/C-14-383) to address the regulatory issues affecting the Minnesota Charter Affiliates includes: 1) Fiberlink companies transferring customers to an affiliate without approval of the MNPUC; 2) Fiberlink companies not meeting Minnesota regulatory requirements of certified local telephone services providers; and 3) the entity currently serving the transferred customers has not applied for, and does not meet, the requirements to have a certificate of authority in Minnesota. The processes required by Minnesota law and rules of the MNPUC are intended to ensure that the rights of consumers in Minnesota are protected. These protections should not simply be dismissed by the FCC based on the company’s claim that it is subject to no state regulatory requirements because its service is using VoIP technology. Minnesota regulated entities are required to comply with Minnesota requirements in the

absence of federal preemption. One company's violation of state laws that protect Minnesota consumers also gives the violator an unfair competitive advantage over companies that are law-abiding. In the instant matter, the requirements of a regulated entity in Minnesota are to be addressed by the Minnesota Public Utilities Commission. The claim of Charter Affiliates that they currently have no customers for the affected services in Minnesota, and thus, that its petition is purely administrative, is inaccurate. The FCC should deny or suspend any action on Charter's application until the questions on state requirements have been addressed.

Please direct questions regarding this matter to the undersigned at 651-539-1875 or

greg.doyle@state.mn.us.

Sincerely,

A handwritten signature in black ink that reads "Gregory J. Doyle". The signature is written in a cursive style with a large initial "G".

GREGORY J. DOYLE
Manager, Telecommunications
Minnesota Department of Commerce