

Date: June 5, 2007

To: Interested Parties

From: Burl W. Haar  
Executive Secretary

Re: **Notice Soliciting Comments**

In the Matter of the Minnesota Public Utilities Commission's Inquiry Regarding the Petition of Qwest Corporation, Filed with the Federal Communications Commission, for Forbearance Pursuant to 47 U.S.C. Section 160(c) in the Minneapolis-St. Paul Minnesota Metropolitan Statistical Area, **Docket No. P421/CI-07-661**

### **Background**

On April 27, 2007, Qwest Corporation filed separate petitions with the FCC for forbearance in the Minneapolis-St. Paul Metropolitan MSA and in three other MSAs from certain obligations for Mass Market and Enterprises Services. Specifically, Qwest seeks forbearance from loop and transport unbundling obligations pursuant to sections 251(c) and 271(c)(2)(B)(ii) and (e) of the Act, from dominant carrier tariff requirements of 47 C.F.R. §61, from price cap regulations of 47 C.F.R. §61, from the Computer Inquiry III requirements of 47 C.F.R. §63, and from dominant carrier requirements of §214 of the Act and C.F.R. §63. In the Minneapolis-St. Paul MSA, Qwest's petition applies to 58 wire centers.

The Minnesota Public Utilities Commission met on May 31, 2007 to learn more about the Qwest forbearance petition. After hearing comments from Qwest and various competitive LECs and telecommunications aggregators and other parties, the Commission decided to conduct further investigation under Docket No. P421/CI-07-661. The Commission determined that an expedited proceeding pursuant to Minn. Stat. §237.61, with parties' presentation of statement of facts and verified pleadings, will allow for building a record that should meet the FCC's deadlines for comments. The PUC is asking Qwest to submit, at a minimum, all documents filed with the FCC with respect to forbearance in the Minneapolis-St. Paul MSA petition, and for any additional supporting data for its case, including a listing of all the affected wire centers. The PUC is also asking all interested parties to provide the Commission with data and analysis on why the FCC should grant or not grant Qwest's petition.

On June 1, 2007, the FCC established a pleading cycle for comments on Qwest's forbearance petition. The FCC sets a deadline of July 17, 2007 for Comments and August 16, 2007 for Reply Comments.

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In considering what, if any, recommendations will be given to the FCC, the Commission seeks information on what the forbearance petition means for Qwest, the status of competition and the communication providers in the affected MSA, and Minnesota consumers. Specifically, the PUC would like to receive data and comments on how forbearance of each obligation impacts the geographic markets, and the services or classes of services affected, including:

- 1) A description of the analytical framework that the Commission should use in reviewing the forbearance petition.
- 2) Data available by which the forbearance tests under 47 U.S.C. §160 can be applied on a wire center basis.
- 3) Data available regarding the current extent of competition in the Minneapolis-St. Paul MSA residential customer market.
- 4) Effects of granting Qwest's forbearance petition on the future extent of competition in the Minneapolis-St. Paul MSA residential customer market.
- 5) Data available regarding the current extent of competition in the Minneapolis-St. Paul MSA in each of the small, medium and large business customer markets.
- 6) Effects of granting Qwest's forbearance petition on the future extent of competition in the Minneapolis-St. Paul MSA in each of the small, medium, and large business customers markets.
- 7) For CLECs, what percentage of your Minnesota market is in the Minneapolis-St. Paul MSA?
- 8) For CLECs, what percentage of your Minnesota market is in each of the 58 wire centers affected?
- 9) For CLECs, the numbers and locations of switches or collocation points in the Minneapolis-St. Paul MSA?
- 10) Need and form of any protective agreement.
- 11) Any other relevant information.

In order for the Commission to complete its review in time to file Comments to the FCC by August 16, 2007, the following deadlines are hereby set:

**June 11, 2007 – Qwest Filing**  
**June 29, 2007 – Comments Pursuant to Minn. Stat. §237.61**  
**July 20, 2007 – Reply Comments Pursuant to Minn. Stat. §237.61**  
**August 9, 2007 – Tentative date for PUC Meeting**

Please direct questions to Commission Staff Lillian Brion at 651-201-2213 or Kevin O'Grady at 651-201-2218.