

7810.8805 SERVICE SUBJECT TO EMERGING COMPETITION.

Subpart 1. **General requirement to file petition.** A petition to classify a noncompetitive service as subject to emerging competition must be filed under this part.

Subp. 2. **Petition information.** A petition to have a service classified as subject to emerging competition must include:

A. a list of known alternative providers of the service available to the company's customers, the providers' affiliations with other providers, and their sizes, if known;

B. the extent to which services are available from alternative providers in the relevant market, including identification of barriers to entry or exit from the market for the service;

C. the ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions of service;

D. an estimate of the company's current market share;

E. an assessment of the ability of the market to hold prices close to cost and other economic measures of market power;

F. an assessment of the necessity of the service to the well-being of the customer;

G. a request either for an expedited hearing or a contested case hearing;

H. a statement addressing the need for and means of providing notice to affected customers;

I. an assessment of whether alternative services are available to over 20 percent of the company's customers for that service; and

J. if required by Minnesota Statutes, section 237.07, a proposed price list for the service containing the rates, tolls, and charges for the service together with the rules, regulations, and classifications used in providing that service.

Subp. 3. **Service of petition.** A copy of the petition must be served on the department, the attorney general's office, and any other person designated by the commission.

Statutory Authority: *MS s 216A.05; 237.06; 237.07; 237.075; 237.10; 237.57 to 237.64*

History: *16 SR 2163*

Published Electronically: *August 29, 2008*