

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: U S WEST COMMUNICATIONS, INC.	DOCKET NO. RPU-98-1
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ORDER APPROVING STIPULATION AND TARIFF

(Issued April 23, 1999)

On December 12, 1997, U S WEST Communications, Inc. (U S West), filed a proposed tariff for a local exchange service offering called "Win Back." Win Back is a residential program intended to attract targeted local exchange service customers who previously purchased service from U S West but are purchasing service from competing local exchange carriers (CLECs). Win Back would permit U S West to offer waivers of certain recurring and nonrecurring charges to former residential customers as an inducement to return to U S West service. The total amount of the waived charges could not exceed \$100 per customer location.

Under U S West's original proposal, CLECs would have been prohibited from "purchasing" Win Back waivers from U S West and offering them to their own customers. Tariff TF-97-398, proposed Iowa Tariff No. 1, Section 5, Second Revised Page 44.6.

McLeodUSA Telecommunications Services, Inc. (McLeod), filed an objection to the Win Back tariff on December 31, 1997, arguing that the prohibition on resale would be a violation of 47 U.S.C. § 251(c)(4). The tariff was suspended for

investigation on January 9, 1998. Intervention was granted to AT&T Communications of the Midwest, Inc. (AT&T), on February 2, 1998, and to Sprint Communications Company, L.P. (Sprint), on March 25, 1998.

This matter was assigned to an administrative law judge, who issued a proposed decision and order rejecting the Win Back tariff for failure to comply with the resale obligations of § 251(c)(4). An appeal was taken, and on January 14, 1999, the Board vacated the proposed decision and order and assigned the proceeding back to the administrative law judge for an evidentiary hearing. Shortly before the hearing was scheduled to commence, Board staff was advised by the parties that they desired additional time before hearing to explore settlement. On March 3, 1999, the Board issued an order continuing the hearing in this matter and vacating the assignment to the administrative law judge.

On April 19, 1999, the parties to this proceeding filed a "Stipulation And Agreement" which provides that, upon filing of a corrected Section 5, Second Revised Page 44.8 of U S West's Iowa Tariff No. 1, no party has an objection to the attached tariff language and they all consent to the issuance of an order by the Board approving the tariff. A copy of the corrected tariff pages is attached to the stipulation. The corrected pages include a new Original Page 44.8.1, adding Section 5.2.11.A.2.f to the tariff. That section provides that a reseller of U S West's services will receive from U S West any combination of waivers available under the Win Back program, up to the \$100 maximum, that the reseller offers to a customer returning to the reseller from U S West.

The Board will approve the "Stipulation And Agreement" and the Win Back tariff. It appears that the revised tariff language provides a reasonable mechanism for fulfilling the resale requirements of § 251(c)(4) as they apply to this service.

IT IS THEREFORE ORDERED:

1. The "Stipulation And Agreement" filed by the parties on April 19, 1999, is approved.

2. The proposed tariff filed on December 12, 1997, by U S WEST Communications, Inc., and identified by the Board as TF-97-398, as modified by the corrected Section 5, Second Revised Page 44.8, attached to the "Stipulation And Agreement" filed April 19, 1999, is approved. The tariff is effective upon issuance of this order.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Emmit J. George, Jr.

ATTEST:

/s/ Raymond K. Vawter, Jr.
Executive Secretary

/s/ Paula S. Dierenfeld

Dated at Des Moines, Iowa, this 23rd day of April, 1999.