

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  ESSEX COMMUNICATIONS, INC., d/b/a ELEC COMMUNICATIONS	DOCKET NOS. TCU-00-34 WRU-00-48-3422 TF-00-144
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**ORDER APPROVING APPLICATION, TARIFFS, CONCURRENCE IN MAPS,  
GRANTING WAIVERS, AND ISSUING CERTIFICATE**

(Issued September 29, 2000)

On June 5, 2000, Essex Communications, Inc., d/b/a eLEC Communications (Essex), filed an application for issuance of a certificate of public convenience and necessity, pursuant to Iowa Code § 476.29 (1999), stating its intention to provide resold and facilities-based local exchange services in the state of Iowa. The application has been identified as Docket No. TCU-00-34. In the application, Essex states that it will be providing service in the service areas of Qwest Corporation, f/k/a U S WEST Communications, Inc. (Qwest), and Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, successor to GTE Midwest Incorporated (Iowa Telecom). On August 31, 2000, the Utilities Board (Board) extended the time for considering the application.

Essex has provided the qualifications of its company officers and financial statements. Additionally, Essex states that it intends to adopt the local exchange maps and descriptions and any subsequent modifications to the maps of Qwest and Iowa Telecom. Essex states that it will provide full 2-PIC methodology for dialing

parity. Essex also filed proposed tariffs with the application identified as Docket No. TF-00-144.

Iowa Code § 476.29(2) provides that the local exchange carrier shall not be denied a certificate if the Board finds that the applicant "possesses the technical, financial, and managerial ability to provide the service it proposes to render and the board finds the service is consistent with public interest."

The Board has reviewed Essex's application and finds the necessary technical, financial, and managerial ability to provide local exchange service has been demonstrated. The Board finds that it is consistent with the public interest to approve the application.

On June 14, 2000, Essex requested three waivers identified as Docket No. WRU-00-48-3422. Essex requested a waiver of 199 IAC 16.5(2), which requires it to keep its records according to the uniform system of accounts. Essex states that it employs an accounting system in accordance with generally accepted accounting principles (GAAP). The Board finds that this waiver should be granted, since records kept in accordance with GAAP accounting are acceptable for a competitive local exchange service provider.

Essex has requested that the requirements of 199 IAC 18.2 be waived. The rule requires that a regulated public utility keep its records in the state of Iowa. The Board will grant the waiver based upon the statement of Essex that it will make the records available to the Board upon request.

Essex also requested the Board waive 199 IAC 22.3(1), requiring it to independently publish a directory, stating it will make arrangements for its customers

to be published in the directory of the incumbent local exchange carrier. The Board will grant this waiver since Essex does not have a sufficient number of customers to warrant publishing a directory and will be making arrangements to have its customers listed in the local directory.

Essex states that it will initially provide service in the service areas of Qwest and Iowa Telecom will adopt the exchange maps and future modifications to the exchange maps and service area maps of the two companies. Iowa Code § 476.29(4) requires that each certificate define the service territory in which land-line local telephone service will be provided and authorizes the Board to promulgate rules establishing requirements for filing maps showing the service territory. Subrule 199 IAC 22.20(3) requires that all utilities have on file with the Board maps that show exchange boundaries. The Board finds that by the adoption of the exchange service maps of Qwest and Iowa Telecom, Essex has complied with the requirements of Board rules and Iowa statutes.

Essex has filed proposed tariffs for Board approval. The Board has reviewed the tariffs and, after some revisions, finds that they comply with the Board's rules on filing and processing of tariff pages. Since the Board has approved Essex's application, tariffs, and concurrence in the maps of Qwest and Telecom, the Board will grant Essex a certificate of public convenience and necessity.

**IT IS THEREFORE ORDERED:**

1. The application for a certificate of public convenience and necessity filed by Essex Communications, Inc., d/b/a eLEC Communications, on June 5, 2000, is approved.

2. The proposed tariffs filed to provide local exchange service are approved.

3. The request for waivers of 199 IAC 16.5(2), 18.2, and 22.3(1) is granted as described in this order.

4. The concurrence in the exchange and service area maps of Qwest Corporation, f/k/a U S WEST Communications, Inc., and Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, successor to GTE Midwest Incorporated, is approved.

5. A certificate, identified as Certificate No. 0226, is issued to Essex Communications, Inc., d/b/a eLEC Communications, concurrently with this order.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary, Deputy

/s/ Diane Munns

Dated at Des Moines, Iowa, this 29<sup>th</sup> day of September, 2000.