

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  QWEST CORPORATION, f/k/a U S WEST COMMUNICATIONS, INC.	DOCKET NO. RPU-00-1 (TF-00-64)
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**ORDER GRANTING REHEARING SOLELY FOR  
PURPOSES OF FURTHER CONSIDERATION**

(Issued March 2, 2001)

On March 15, 2000, Qwest Corporation, f/k/a U S WEST Communications, Inc. (Qwest), filed a proposed tariff identified as TF-00-64 in which Qwest proposed to deaverage its wholesale and retail rates in Iowa. Pursuant to rules adopted by the Federal Communications Commission (FCC), state public utility commissions are required to establish geographically deaveraged rates for unbundled network elements (UNEs) (Qwest's "wholesale" rates) by May 1, 2000<sup>1</sup>. See 47 C.F.R. § 51.507(f).

On January 11, 2001, the Utilities Board (Board) issued its "Final Decision And Order" (Order) in this docket, requiring that Qwest deaverage its rates for wholesale

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<sup>1</sup> On April 26, 2000, the Board filed a petition for a temporary waiver of the May 1, 2000, deadline, seeking an extension to December 31, 2000, see In re Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, *Petition of the Iowa Utilities Board for Temporary Waiver*, CCB/CPD No. 00-15, at 1-2. The Board's petition was granted by order released July 13, 2000. During the course of this docket, however, the parties requested and received multiple extensions of time, with the result that the Board was unable to issue this final decision and order by December 31, 2000. Accordingly, on December 19, 2000, the Board filed a petition for a limited additional extension of time, to January 23, 2001. As of the writing of this order, the FCC has not ruled on the Board's second petition.

services and its rates for business services that use the loop. The Board found that the terms of Qwest's price regulation plan, adopted pursuant to Iowa Code § 476.97 (2001), do not permit any changes to Qwest's residential rates at this time because the wholesale rate deaveraging ordered by the Board is not an exogenous factor affecting Qwest's residential rates.

On January 31, 2001, Qwest filed an application for rehearing of the Board's decision. Qwest asks for reconsideration of the following rulings:

- 1) Qwest's proposed changes to residential rates;
- 2) Deaveraging of Centrex Plus rates;
- 3) Timing of wholesale and retail rate revisions; and
- 4) Adjusting business measured service rates.

On February 14, 2001, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) and McLeodUSA Telecommunications Services, Inc. (McLeod), filed answers to Qwest's application for rehearing. On the afternoon of February 28, 2001, Qwest filed a reply to the Consumer Advocate and McLeod answers.

Iowa Code § 476.12 provides that the Board must either grant or deny an application for rehearing within 30 days after the filing of the application. Failure to act within that time period is deemed a refusal of the application. Thus, the Board must act on Qwest's application for rehearing on or before March 2, 2001. This deadline does not allow sufficient time for consideration of Qwest's reply. Therefore,

the Board will grant Qwest's application for rehearing solely for the purpose of further consideration.

**IT IS THEREFORE ORDERED:**

The application for rehearing filed in this docket on January 31, 2001, by Qwest Corporation is granted solely for purposes of further consideration.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper \_\_\_\_\_  
Acting Executive Secretary

Dated at Des Moines, Iowa, this 2<sup>nd</sup> day of March, 2001.