

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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<p>IN RE:</p> <p>IOWA NETWORK SERVICES, INC.,</p> <p style="padding-left: 100px;">Complainant,</p> <p style="padding-left: 40px;">vs.</p> <p>QWEST CORPORATION,</p> <p style="padding-left: 100px;">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-01-1 (TF-01-111)</p>
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**ORDER DOCKETING COMPLAINT,  
SETTING PROCEDURAL SCHEDULE, AND  
SHORTENING TIME FOR RESPONSES**

(Issued May 9, 2001)

On April 9, 2001, Qwest Corporation (Qwest) filed with the Utilities Board (Board) a proposed tariff, identified as TF-01-111, proposing five new pricing elements in the Common Channel Signaling Access Capability (CCSAC) section of Qwest's switched access tariff. Qwest states it is restructuring its intrastate tariff rate elements to bring them in line with its interstate tariff rate elements.

On April 25, 2001, Iowa Network Services (INS) filed an objection to Qwest's filing, alleging the tariff proposes new rates for the CCSAC section of the tariff in violation of Iowa Code § 476.97(11)"e"(5) (2001). INS alleges the filing includes two new rate elements (a Signal Transport rate element and a Signal Switching rate element) but does not continue to offer the preexisting basic communications service

rate structure, as required by the statute. INS further alleges the proposed tariff will result in rates that are not just and reasonable and the language of the new provision is unreasonably vague and ambiguous. INS argues Qwest may not have the technical capability to distinguish between different types of traffic, so INS could be charged for Qwest's own intraLATA toll traffic or for local traffic, which should not be covered by the proposed charges.

INS further objects that Qwest did not include with its filing a description of the impact of the new rate elements on INS and other carriers; INS asks the Board to require Qwest to provide an impact statement for each carrier so they can properly assess the effect of this filing.

Finally, INS asks the Board to direct Qwest to modify the language to the tariff filing to clearly state the services and facilities covered by each new rate element and to modify the tariff to continue to offer the preexisting rate structure contained in the existing agreement between INS and Qwest.

On May 7, 2001, Qwest filed an answer to the INS complaint, admitting and denying various allegations and stating that the currently-effective rate elements continue to be in effect and that Qwest has now advised INS that the filing is expected to reduce INS's billings by an estimated amount. Qwest asserts the tariff is clear in defining the services to which it applies and asks that the Board dismiss the complaint.

It appears there may be material factual disputes between the parties regarding the interpretation and application of the proposed tariff. Accordingly, the Board will docket the proposed tariff as a formal complaint proceeding and set a

procedural schedule. INS brings its complaint pursuant to Iowa Code §§ 476.3 and 476.97(6). Iowa Code § 476.101(8) provides, in relevant part, that when the Board initiates formal complaint proceedings in response to a written complaint regarding a local exchange carrier's compliance with sections 476.96 through 476.102, "[t]he board shall render a decision in the proceeding within 90 days after the date the written complaint was filed." Thus, the deadline for Board action in this docket is July 24, 2001, and the procedural schedule will accommodate this deadline.

The Board also finds that the limited time available for this proceeding means that the 14-day period for responding to motions, set forth in 199 IAC 7.7(11), and the 7-day period for responding to data requests, see 199 IAC 7.7(2), are impractical in this proceeding. The Board will order that responses or objections to all motions and data requests must be filed or provided within five days of the date the motion is filed or the data request is served. In order to accommodate that abbreviated time frame, parties are directed to serve all motions and data requests by facsimile transfer or electronic mail, as well as by United States mail, on or before the date of filing.

**IT IS THEREFORE ORDERED:**

1. The complaint filed on April 25, 2001, by Iowa Network Services, Inc., regarding Qwest Corporation's April 9, 2001, tariff filing (identified as TF-01-111) is docketed for investigation as Docket No. FCU-01-1.
2. The following procedural schedule is established for this proceeding:

a. Qwest shall file prepared direct testimony, with supporting exhibits and workpapers, in support of its proposed tariff revision on or before May 21, 2001.

b. INS and any intervenors not aligned with Qwest's position in this matter shall file any prepared direct testimony, with supporting exhibits and workpapers, on or before June 4, 2001.

c. Qwest and any intervenors aligned with Qwest shall file any rebuttal testimony, with supporting exhibits and workpapers, on or before June 12, 2001.

d. A hearing for the purpose of receiving testimony and cross-examination of all testimony will commence at 9 a.m. on June 20, 2001, in the Board's hearing room at 350 East Maple Street, Des Moines, Iowa. Parties shall appear at the hearing one-half hour prior to the time of hearing to mark exhibits. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Board at 515-281-5256 to request that appropriate arrangements be made.

e. Any party desiring to file a brief may do so on or before July 9, 2001.

3. In the absence of objection, all workpapers shall become a part of the evidentiary record at the time the related testimony and exhibits are entered in the record.

4. In the absence of objection, all data requests and responses referred to in oral testimony or cross-examination, which have not previously been filed with

the Board, shall become a part of the evidentiary record. The party making reference to the data request or response shall file an original and six copies at the earliest possible time.

5. In the absence of objection, if the Board calls for further evidence on any issue and that evidence is filed after the close of hearing, the evidentiary record shall be reopened and the evidence will become a part of the evidentiary record five days after filing. All evidence filed pursuant to this paragraph shall be filed no later than seven days after the close of hearing.

6. Pursuant to 199 IAC 7.7(2) and (11), the time for filing responses or objections to data requests and motions will be shortened to five days from the date the motion is filed or the data request is served. All data requests and motions should be served by facsimile transfer or by electronic mail, in addition to United States mail.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper  
Acting Executive Secretary

Dated at Des Moines, Iowa, this 9<sup>th</sup> day of May, 2001.