

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: HARLAN MUNICIPAL UTILITIES	DOCKET NO. 199 IAC 39.2(4)
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ORDER DESIGNATING ELIGIBLE CARRIER

(Issued February 18, 2002)

On January 14, 2002, Harlan Municipal Utilities (Harlan) filed a request for universal service eligible carrier status in Iowa. Harlan asks that the Utilities Board (Board) designate Harlan as an eligible telecommunications carrier pursuant to 199 IAC 39.2(4).

Board rule 39.2 provides a means by which the Board can designate Iowa telecommunications companies to be eligible to receive funding from the universal service fund, as defined by the Telecommunications Act of 1996, 47 U.S.C. § 254. Under the Act (and Federal Communications Commission regulations implementing the Act), the Board must determine that a carrier meets the following service requirements before it may be designated an eligible carrier, as set forth in rule 39.2(4):

- 1) Offer the services supported by the federal universal service fund;
- 2) Offer the service using its own facilities or a combination of its own facilities and resale (47 C.F.R. § 54.201(c) provides that "own facilities" includes purchased unbundled network elements);

- 3) Advertise the availability of the supported services; and
- 4) Offer the services throughout the designated service area.

In its request for designation, Harlan states that it satisfies each of these requirements. Based on that representation, the Board finds that Harlan offers the services supported by the federal universal service fund using its own facilities or a combination of its own facilities and resale. The Board also finds that Harlan advertises and offers the services throughout its designated service area.

IT IS THEREFORE ORDERED:

1. Eligible telecommunications carrier status is granted to Harlan Municipal Utilities as requested on January 14, 2002. The designated service area for Harlan shall be Harlan's service territory as established in its certificate of public convenience and necessity.
2. The Executive Secretary of the Board shall mail copies of this order to Harlan, the Universal Service Administration Company, the FCC Universal Service Branch, and the FCC Office of the Secretary.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 18th day of February, 2002.