

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: IOWA TELECOM COMMUNICATIONS, INC.	DOCKET NOS. TCU-01-14 TF-02-423 WRU-02-27-3584
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**ORDER APPROVING TARIFF AMENDMENT, CONCURRENCE IN MAPS,
AND GRANTING WAIVER**

(Issued August 7, 2002)

On July 12, 2002, Iowa Telecom Communications, Inc. (ITC), filed with the Utilities Board (Board) a proposed amendment to its tariff that would allow ITC to provide competitive local exchange service in the Webster City, Iowa, exchange. ITC has also stated that it concurs in the local exchange maps in the tariffs of the incumbent local exchange carrier for the Webster City exchange on file with the Board. The proposed tariff amendment has been identified as Docket No. TF-02-423.

The Board has reviewed the proposed tariff amendment and finds it substantially complies with Board rules for the filing and processing of tariff pages. Therefore, the Board will approve ITC's proposed tariff amendment.

ITC also requested a waiver of 199 IAC 22.3(1), which requires local exchange utilities to publish telephone directories. The waiver request is identified as Docket No. WRU-02-27-3584. The Board will grant the waiver based upon the

statement of ITC that it will arrange for its customers to be included in the directory of the incumbent carrier.

Rule 199 IAC 1.3 states that the Board may grant waivers of its rules based upon clear and convincing evidence that the application of the rule would pose an undue hardship, the waiver would not prejudice the substantial legal rights of any person, the provisions waived are not specifically mandated by statute, and substantially equal protection of public health, safety, and welfare will be afforded after the waiver. The Board has considered the waiver request as described above and finds that the waiver meets the four criteria of the rule and the evidence in support of the waiver is clear and convincing.

Adherence to this rule would be an undue hardship on ITC because other competitive carriers have been granted similar waiver requests. The Board finds there are no substantial legal rights of any person that are affected by this waiver and there is no statute that specifically mandates the action waived. Additionally, the Board finds that there will be substantial equal protection for health, safety, and welfare provided since the action waived will be completed under different circumstances.

ITC has requested the Board adopt specific language in this order to allow for ease of administration of future tariff changes and waivers of Board subrule 199 IAC 22.3(1). However, the Board finds the addition of this language unnecessary. As ITC has already received a waiver of subrule 199 IAC 22.3(1), it is

unnecessary to require ITC to repeat the request at each proposed tariff change. In addition, the Board notes that the language of ITC's certificate of public convenience and necessity already contains language to reflect changes in its tariffs as to the exchanges served without requiring an amendment to its certificate.

IT IS THEREFORE ORDERED:

1. The proposed tariff amendment filed by Iowa Telecom Communications, Inc., on July 12, 2002, allowing ITC to provide competitive local exchange service in the Webster City, Iowa, exchange in concurrence with the incumbent's boundary maps for the Webster City exchange is approved.

2. The waiver of 199 IAC 22.3(1) is granted as described in this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper

Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 7th day of August, 2002.