

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

| | |
|---|--------------------------|
| IN RE: C III COMMUNICATIONS OPERATIONS, LLC | DOCKET NO. WRU-03-16-375 |
|---|--------------------------|

ORDER GRANTING WAIVER

(Issued May 29, 2003)

On March 27, 2003, C III Communications Operations, LLC (C III), filed with the Utilities Board (Board) a request for a waiver of 199 IAC 22.23(2) regarding individual customer verification rules for unauthorized changes in telecommunications services. No objection to the request has been filed.

In support of its request, C III states that an agreement was executed between C III and Broadwing Communications Services, Inc. (Broadwing CSI), and Broadwing Telecommunications, Inc. (Broadwing TI). Pursuant to the agreement, the entire broadband business of Broadwing CSI, including interstate and intrastate long distance and private line services, and the assets and approximately 1,598 resale long distance customers of Broadwing TI, would be transferred to C III. As part of the agreement, C III will purchase the trade name "Broadwing" and continue to provide service under that name.

C III states that it intends to notify all customers of Broadwing CSI and Broadwing TI of the transition to C III and that there will not be a change in the rates, terms, and conditions of service provided to those customers transferred to C III.

To grant the waiver, the Board must find, based upon clear and convincing evidence, that the request meets the four criteria in 199 IAC 1.3. The four criteria are: 1) the application of the rule would cause undue hardship, 2) the waiver would not prejudice the substantial legal rights of any person, 3) the provisions of the rule are not specifically mandated by statute, and 4) substantially equal protection of public health, safety, and welfare will be afforded by a means other than prescribed by the rule.

The Board finds that a waiver of 199 IAC 22.23(2) should be granted, based on the Board's review of the information provided by C III. The Board finds that it would be an undue hardship for C III to obtain over 1,500 individual authorization verifications for the change in service providers. The Board also finds that the waiver will not affect the substantial legal rights of any person and that equal protection of the public health, safety, and welfare have been afforded since all customers of Broadwing CSI and Broadwing TI will receive notice of the transfer to C III, will continue to receive service at the same rates and subject to the same terms and conditions, and will be afforded an opportunity to change providers if they choose to do so.

IT IS THEREFORE ORDERED:

The waiver request filed by C III Communications Operations, LLC, on March 27, 2003, is granted. The verification requirement of 199 IAC 22.23(2) for unauthorized changes in telecommunications service is waived.

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 29th day of May, 2003.