

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: VILAIRE COMMUNICATIONS	DOCKET NOS. TCU-03-8 TF-03-179 WRU-03-29-3715
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**ORDER REJECTING APPLICATION, DENYING WAIVER, AND
REJECTING TARIFF**

(Issued September 2, 2003)

On June 4, 2003, Stan Efferding, d/b/a Vilaire Communications (Vilaire), filed with the Utilities Board (Board) an application for a certificate of public convenience and necessity pursuant to Iowa Code § 476.29 (2003), stating his intention to provide local exchange telecommunications services in Iowa. The application has been identified as Docket No. TCU-03-8. The filing also included Vilaire's initial tariff filing, identified as Docket No. TF-03-179, and a request for waivers of 199 IAC 22.3(1) and 16.6(2), identified as Docket No. WRU-03-29-3715.

On June 18, 2003, Board staff contacted Vilaire and discussed deficiencies within the application. Specifically, the application did not adequately address the technical, financial, and managerial capabilities of Vilaire. Vilaire stated that it would file additional financial and managerial information by June 23, 2003.

On June 26, 2003, staff contacted Vilaire inquiring as to the status of the supplement to its application. On June 30, 2003, Vilaire informed staff that all of the supplemental information would be filed with the Board by the week of August 11, 2003. To date, the Board has not received Vilaire's supplemental information.

Iowa Code § 476.29(2) provides that a local exchange carrier shall not be denied a certificate if the Board finds that the applicant “possesses the technical, financial, and managerial ability to provide the service it proposes to render and the board finds the service is consistent with the public interest.”

The Board has reviewed Vilaire's application and finds that it fails to meet the statutory and Board requirements for a certificate of public convenience and necessity. Therefore, the Board will reject Vilaire's application. If Vilaire decides to provide local exchange telecommunications service in Iowa in the future, it will be required to file a new application.

IT IS THEREFORE ORDERED:

The application for a certificate of public convenience and necessity filed by Stan Efferding, d/b/a Vilaire Communications, on June 4, 2003, is rejected 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 2nd day of September, 2003.