

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION FOR WIRELESS CARRIERS [199 IAC 39.2]</p>	<p>DOCKET NO. RMU-03-13</p>
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**ORDER GRANTING MOTION, ACCEPTING COMMENTS, AND
REQUESTING ADDITIONAL INFORMATION**

(Issued December 22, 2003)

On August 25, 2003, the Utilities Board (Board) issued an "Order Commencing Rule Making" in this docket to receive public comment on proposed new rules, 199 IAC 39.2(5)"c" and 39.5, relating to eligible telecommunications carrier (ETC) status for wireless carriers. The proposed rules were published in the Iowa Administrative Bulletin on September 17, 2003.

A public hearing to receive comments on the proposed amendments was held on December 10, 2003. Attending the hearing and providing comments were WWC License, LLC, U.S. Cellular Corporation, Midwest Wireless Iowa, LLC, Iowa Wireless Services, NPCR, Inc., d/b/a Nextel Partners, Qwest Corporation, Iowa Telecommunications Association, and the Consumer Advocate Division of the Department of Justice.

The parties attending the hearing appeared to be in agreement that the Board has a substantive role in granting ETC status. However, the parties disagreed on the

precise extent of the Board's role in that process and whether the Board's existing service quality rules (199 IAC 22.6) can be applied to wireless carriers who seek and receive ETC designation.

In order to help the Board better define its role in the process, the Board requests that interested parties submit additional comments regarding the application of the existing service quality rules to wireless carriers. Specifically, the Board is seeking comments regarding the following questions:

- Whether the existing service quality rules are appropriate examples of terms and conditions that could be applied to wireless carriers;
- Whether some rules should be modified before they can be applied to wireless carriers, and;
- Whether some rules cannot be applied to wireless carriers, regardless of modification.

The Board requests that parties submitting additional comments be specific in their analyses of the individual service quality rules. The additional comments are to be filed on or before January 20, 2004.

Also, on December 9, 2003, the Rural Iowa Independent Telephone Association (RIITA) filed a "Motion to File Additional Statement of Position." In support of its motion, RIITA stated that it was unable to appear in person at the comment hearing due to a scheduling conflict, but that it wanted an opportunity to briefly comment on the written comments filed by the participants. The Board finds

RIITA's request to be reasonable and will grant the motion and accept its comments in this proceeding. The Board will allow interested parties until January 20, 2004, to respond to RIITA's late-filed comments.

IT IS THEREFORE ORDERED:

1. On or before January 20, 2004, the Board requests the parties file additional comments regarding the applicability of the existing service quality rules to wireless carriers that apply for and receive ETC status, as described in the body of this order.

2. The motion filed by the Rural Iowa Independent Telephone Association on December 9, 2003, is granted.

3. Any interested person may file a written response to the comments filed by the Rural Iowa Independent Telephone Association on December 9, 2003.

Responses must be filed on or before January 20, 2004.

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 22nd day of December, 2003.