

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: TELIGENT SERVICES, INC., AND STARTEC GLOBAL LICENSING COMPANY	DOCKET NO. WRU-04-44
---	----------------------

ORDER GRANTING WAIVER

(Issued October 6, 2004)

On September 17, 2004, Startec Global Licensing Company (Startec) and Teligent Services, Inc. (Teligent), filed with the Utilities Board (Board) a joint application for a waiver of 199 IAC 22.23(2) regarding individual customer verification rules for unauthorized changes in telecommunications services. Both Startec and Teligent are long distance telecommunications providers in Iowa. No objection to the request has been filed.

In support of the request, Startec and Teligent state that they have entered into an asset transfer whereby Startec will acquire Teligent's Iowa long distance customer base. The applicants also state that they intend to notify Teligent's customers of the transition to Startec and that there will not be a change in the rates, terms, and conditions of service provided to those customers transferred to Startec. Moreover, the applicants state that customers being transferred to Startec will be advised of their right to select another carrier.

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 Startec and Teligent. The Board finds that it would be an undue hardship for the applicants to obtain 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 of Teligent's customers will receive notice of Startec's acquisition, their service will be essentially unchanged, and they will be afforded an opportunity to change providers if they choose to do so.

IT IS THEREFORE ORDERED:

The waiver request filed by Startec Global Licensing Company and Teligent Services, Inc., 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 6th day of October, 2004.