

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: RURAL IOWA INDEPENDENT TELEPHONE ASSOCIATION	DOCKET NO. TF-04-257
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ORDER ESTABLISHING COMMENT DEADLINE

(Issued May 11, 2005)

On August 10, 2004, the Rural Iowa Independent Telephone Association (RIITA) filed with the Utilities Board (Board) a proposed wireless termination tariff. The proposed tariff establishes a per-minute rate for terminating calls that are originated by Commercial Mobile Radio Service (CMRS) providers that are carried (transited) by a third-party carrier and then terminated by a RIITA-member company to a customer of a RIITA-member company. The tariff would apply if the RIITA-member company and the CMRS provider did not have a negotiated interconnection agreement in place.

On September 9, 2004, the Board issued an order docketing the tariff and requiring that RIITA serve notice of the tariff on potentially-affected CMRS service providers. The Board indicated it would take no further action on the tariff until a certificate of service was filed.

On November 12, 2004, RIITA filed a certificate of service.

Objections to the proposed tariff were filed by Qwest Corporation; U.S. Cellular Corp.; Midwest Wireless Iowa LLC; WWC License L.L.C.; VoiceStream PCS I LLC, d/b/a T-Mobile; NPCR, Inc.; Verizon Wireless; Cingular Wireless PCS, LLC; TeleCorp Communications, LLC; and Sprint Corporation, on behalf of its Wireless Division, Sprint Spectrum, L.P., d/b/a Sprint.

On December 16, 2004, RIITA filed a motion to bifurcate issues, arguing that some of the issues raised in the objections are legal questions only, while others present mixed questions of law and fact. RIITA asserted that if certain legal issues were resolved in favor of the objectors, a fact-finding hearing could be avoided.

On December 21, 2004, RIITA filed an amended certificate of service for its motion to bifurcate issues.

On February 24, 2005, the Federal Communications Commission (FCC) issued its "Declaratory Ruling and Report and Order" in CC Docket No. 01-29. In that order, the FCC denied a petition filed by a group of CMRS service providers asking the agency to find that state wireless termination tariffs filed by local exchange carriers were illegal. In the same order, however, the FCC amended its rules to prohibit such tariffs in the future, as well as stating that existing state wireless termination tariffs would no longer apply under the amended rules. Instead, wireless carriers and local exchange carriers would be required to negotiate and, if necessary, arbitrate interconnection agreements.

It appears likely that RIITA's proposed tariff may be affected by the FCC's order and amended rules. At the very least, it would be helpful to the Board in deciding the appropriate procedural schedule to have input from the parties regarding this question. Accordingly, the Board will establish dates for the parties to file comments concerning the effect of the FCC's order and amended rules on this proceeding, if any.

IT IS THEREFORE ORDERED:

1. On or before May 27, 2005, RIITA shall file comments concerning the effect of the FCC's February 24, 2005, "Declaratory Ruling and Report and Order" in CC Docket No. 01-29, on RIITA's proposed tariff identified as TF-04-257.
2. On or before June 10, 2005, any other party may file comments in response to RIITA's comments.
3. On or before June 24, 2005, RIITA may file reply comments.

UTILITIES BOARD

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Sharon Mayer
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 11th day of May, 2005.