

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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| IN RE:<br><br>DUAL PARTY RELAY SERVICE<br>ASSESSMENT | DOCKET NO. IOWA CODE<br>§ 477C.7 |
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**ORDER REQUIRING REPORTING AND ASSESSMENT AND  
GRANTING CONFIDENTIALITY**

(Issued June 17, 2005)

On April 6, 2005, Governor Vilsack signed into law an act, identified as Senate File 264 (SF 264), which amends Iowa Code § 477C.7. SF 264 will become effective on July 1, 2005. The amended statute relates to the funding of the dual party relay service (DPRS) through an assessment on telecommunications carriers providing telephone service in this state.

Under current law, the dual party relay service is funded through an assessment that is allocated one-half to local exchange telephone utilities and one-half to interexchange carriers (IXCs), centralized equal access carriers, and alternative operator service (AOS) companies. The amended statute re-allocates the assessment by providing that wireless communications service providers pay 3 cents per month per wireless communications service number provided in Iowa; the remainder of the assessment is allocated proportionately based on intrastate revenues, one-half to local exchange service providers and one-half to IXCs, centralized equal access providers, and AOS companies.

In the past, the Board has assessed the telecommunications carriers on a quarterly basis, using the DPRS budget and estimated allocation factors, with an annual true-up. This procedure will have to be slightly revised to reflect the amended statute; the Board will subtract the wireless service provider payments from the DPRS quarterly budget amount, then allocate the remainder of the budget amount to the other carriers.

In order to subtract the correct amount, the Board will require wireless service providers to submit quarterly reports that include specific retail line count information and estimates of future retail line counts as well as payment for the assessed cost at 3 cents per number per month. Because the amended statute becomes effective July 1, 2005, the Board will direct that the wireless providers submit their initial report, without any payment, on or before June 30, 2005, in a manner that substantially complies with the form that accompanies this order as "Attachment A." That report will provide an actual number of retail lines being used in Iowa as of May 31, 2005, so that the Board can estimate the expected quarterly payments from wireless carriers and then assess the remaining DPRS costs to the other carriers. After this initial report, each wireless telecommunications service provider shall file subsequent quarterly reports and corresponding assessment payments with the Board within 30 days after the close of each calendar quarter. Reports and payments are due on or before October 31, January 31, April 30, and July 31, for the previous calendar quarter.

The Board clarifies that it is seeking only line count information for retail lines that are currently in use in Iowa. Information regarding inventory numbers or wholesale lines are not necessary. In addition, for purposes of this filing, the Board proposes to define "wireless communications service number" as a revenue-producing telephone number used by a wireless communications service provider in the provision of retail wireless services in Iowa. The Board also recognizes that there are certain administrative burdens associated with the implementation of the amended statute, both by Board staff and the wireless companies. Therefore, the Board will establish a *de minimus* exception that will require wireless telecommunications service providers that have less than 200 lines in Iowa throughout a calendar quarter to submit quarterly reports to the Board, but exempts them from submitting an assessment payment.

In the past, when telecommunications service providers have filed line count information with the Board, they have typically requested confidential treatment on the basis that individual company line count information is a trade secret. The Board understands, based on past behavior, that wireless carriers will take the same position here. If the Board's regular process was followed, each request for confidential treatment (see 199 IAC 1.9) would result in numerous and duplicative orders granting confidential treatment. This process would waste resources without benefit. Therefore, the Board will grant confidential treatment for the line count information submitted in the quarterly reports pursuant to Iowa Code § 22.7(3).

However, the Board will only grant confidential treatment to individual company data; aggregate line count and payment information will be public. In other words, the total number of Iowa wireless lines and payments will be public information.

Iowa Code § 22.7(3) provides confidential treatment for trade secrets which are recognized and protected as such by law. The quarterly reports required of the wireless providers contain specific line count information. The Board finds that line count information constitutes a trade secret under Iowa Code § 550.2(4) as it derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means, by a person able to obtain economic value from its disclosure. The Board finds that this information, if released, would provide an advantage to competitors. Therefore, the line count information will be treated as confidential pursuant to Iowa Code § 22.7(3), subject to the provisions of 199 IAC 1.9(8)"b"(3).

Finally, the Board is implementing these procedures on a trial basis. After gaining experience with this system, the Board anticipates it will initiate a rule making proceeding to codify these procedures or improve upon them.

The Board requests assistance in reaching all wireless carriers that are impacted by this change in the law. Initially, the Board will serve this order on counsel of record for wireless carriers that have participated in recent Board proceedings, specifically in Docket No. RMU-03-13, Eligible Telecommunications Carrier Designation for Wireless Carriers [199 IAC 39.2], which involved wireless

carrier issues. The Board welcomes contact information for wireless carriers providing service in Iowa and that are not on the service list for this order. Contact information may be sent to the Board via email to [iub@max.state.ia.us](mailto:iub@max.state.ia.us). Carriers may also refer to the Board's Web site to access the order and download the necessary forms.

**IT IS THEREFORE ORDERED:**

1. On or before June 30, 2005, a wireless telecommunications service provider that provides service in Iowa shall submit an initial report with the Board that identifies company contact information and specific line count information as of May 31, 2005, as discussed in this order. The report shall be submitted as a form substantially similar to the "Wireless Telecommunications Carrier Dual Party Relay Service Initial Assessment Report" attached to this order. This form is also available for download from the Board's Web site at <http://www.state.ia.us/iub/> and in the Board's Record and Information Center.

2. On or before October 31, 2005, and one month after the close of each calendar quarter thereafter, pursuant to Iowa Code § 477C.7, as amended by Senate File 264, wireless telecommunications service providers in Iowa, shall remit to the Board a report of the numbers in service each month of the quarter and an assessment payment equal to 3 cents per month per number providing service in Iowa. The report shall be submitted in a form substantially similar to the "Wireless

Telecommunications Carrier Dual Party Service Assessment Quarterly Report and Remittance" form attached to this order. This form is also available for download from the Board's Web site at <http://www.state.ia.us/iub/>, and in the Board's Record and Information Center.

3. Line count information for individual companies that is submitted in the quarterly reports will be treated as confidential pursuant to Iowa Code § 22.7(3), subject to the provisions of 199 IAC 1.9(8)"b"(3)

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 17<sup>th</sup> day of June, 2005.

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## IOWA UTILITIES BOARD

### Wireless Telecommunications Carrier Dual Party Relay Service Initial Assessment Report

due on or before June 30, 2005

Pursuant to SF264, beginning July 1, 2005, the Board is to include wireless telecommunications carriers in its assessment for dual party relay services (DPRS). Information is required to be filed with the Board for the purpose of these DPRS assessments. The information contained in this report is needed to meet the Board's statutory obligations. Please provide the following information to aid in the compilation of this information and appropriate assessment of DPRS costs.

Per its "Order Requiring Reporting and Assessment and Granting Confidentiality", dated June 17, 2005, the Board has granted confidential treatment to the individual company line count information submitted in these reports. Aggregate line count and payment information will be public.

### COMPANY CONTACT INFORMATION

Company Contact Person \_\_\_\_\_  
(The person whose name is shown will be placed on the Iowa Utilities Board's official mailing list.)  
Title \_\_\_\_\_  
Company Name \_\_\_\_\_  
- DBA (Doing Business As) \_\_\_\_\_  
Company Address \_\_\_\_\_  
City/State/Zip Code \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Fax Number \_\_\_\_\_  
E-Mail Address \_\_\_\_\_

**Total numbers in use as of May 31, 2005 (1):** \_\_\_\_\_

Note

(1) **Total numbers in use as defined in the Board's "Order Requiring Reporting and Assessment and Granting Confidentiality", dated June 17, 2005.**

**Return form to:**

**Executive Secretary  
IOWA UTILITIES BOARD  
350 Maple  
Des Moines, IA 50319-0069**

# Confidential

## IOWA UTILITIES BOARD

Wireless Telecommunications Carrier

Dual Party Service Assessment Quarterly Report and Remittance

due on or before the following dates (check one and fill in the calendar year)

October 31    January 31    April 30    July 31   Year \_\_\_\_\_

Pursuant to SF264, beginning July 1, 2005, the Board is to include wireless telecommunications carriers in its assessment for dual party relay services (DPRS). Information is required to be filed with the Board for the purpose of these DPRS assessments. The information contained in this report is needed to meet the Board's statutory obligations.

Along with the remittance of \$0.03 per number per month, please provide the following information to aid in the compilation of this information and appropriate assessment of DPRS costs.

If you have any questions concerning this report and remittance, please contact Alice Blalock at 515-281-4127 or e-mail her at [alice.blalock@iub.state.ia.us](mailto:alice.blalock@iub.state.ia.us).

Per its "Order Requiring Reporting and Assessment and Granting Confidentiality", dated June 17, 2005, the Board has granted confidential treatment to the individual company line count information submitted in these reports. Aggregate line count and payment information will be public.

### COMPANY CONTACT INFORMATION

Company Contact Person \_\_\_\_\_  
(The person whose name is shown will be placed on the Iowa Utilities Board's official mailing list.)  
Title \_\_\_\_\_  
Company Name \_\_\_\_\_  
- DBA (Doing Business As) \_\_\_\_\_  
Company Address \_\_\_\_\_  
City/State/Zip Code \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Fax Number \_\_\_\_\_  
E-Mail Address \_\_\_\_\_

| <b>Column A: Total numbers expected to be in use during the next quarter (1):</b> | <b>Column B: Total numbers in use during the previous quarter (1):</b> | <b>Numbers from previous quarter (Column B) times \$0.03</b> |
|---|--|--|
| Month 1:  | Month 1:   |  |
| Month 2:  | Month 2:   |  |
| Month 3:  | Month 3:   |  |
| <b>Total DPRS assessment remitted: (\$0.03 per number per month)</b>              |  | <b>\$</b>  |

Note (1): Total numbers in use are defined in IUB Board's "Order Requiring Reporting and Assessment and Granting Confidentiality", dated June 17, 2005.

**Make remittance payable to:**

**IOWA UTILITIES BOARD  
350 Maple  
Des Moines, IA 50319-0069**

Iowa Utilities Board Federal Tax ID# 42-0935813