

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: IT COMMUNICATIONS, LLC	DOCKET NOS. TCU-05-13 WRU-05-28-3808
--------------------------------------	---

ORDER GRANTING APPLICATION AND WAIVER

(Issued August 30, 2005)

On June 6, 2005, IT Communications, LLC (IT Communications), filed with the Utilities Board (Board) an application for issuance of a certificate of public convenience and necessity, pursuant to Iowa Code § 476.29 (2005), stating its intention to provide local exchange service in Iowa. The application has been identified as Docket No. TCU-05-13. No objections to the application were received.

IT Communications states that it is a wholly-owned subsidiary of Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom), and that Iowa Telecom is an incumbent local exchange carrier in Iowa. IT Communications states that it intends to offer service throughout the state of Iowa, except in the service territory of Iowa Telecom and that it will file maps showing the service area where it will begin service once it has the interconnection and operational arrangements for providing service. IT Communications states it will support a 2-PIC dialing methodology for dialing parity and that technical, financial, and managerial services will be provided to IT Communications from Iowa Telecom. The qualifications of Iowa Telecom to provide local exchange service were recognized in Docket No. SPU-99-29.

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 IT Communications' application and finds the necessary technical, financial, and managerial ability to provide local exchange service has been demonstrated. IT Communications has also filed a statement indicating that it commits to utilizing thousand-block number pooling (TBNP), even in areas where TBNP is voluntary, to the extent it is technically feasible to do so. The Board finds that it is consistent with the public interest to approve the application.

IT Communications has not filed proposed tariffs for Board approval setting out the service and rates for providing local exchange service and the maps of the exchanges and service territory where it will be providing service. The Board finds that a certificate should not be issued to IT Communications until it has approved tariffs and maps.

IT Communications requests the Board waive the requirements of 199 IAC 16.5(2) and 22.3(1). The waiver request has been identified as Docket No. WRU-05-28-3808.

IT Communications requests a waiver of 199 IAC 16.5(2), which requires the keeping of records according to the uniform systems of accounts. IT Communications states it will maintain its books in accordance with generally accepted accounting principles (GAAP). The Board finds this waiver should be granted, since records kept

in accordance with GAAP accounting are acceptable for a competitive local exchange service provider.

IT Communications further requests a waiver of 199 IAC 22.3(1), requiring it to independently publish a directory. The Board will grant this waiver based upon IT Communications' statement that it will arrange for its customers to be included in the directories published in the areas it provides local exchange service.

Rule 199 IAC 1.3 states that the Board may grant waivers if it finds, based upon clear and convincing evidence, that the application of the rule would pose an undue hardship, the waiver would not prejudice the substantial legal rights of any person, the provisions waived are not specifically mandated by statute, and substantially equal protection of public health, safety, and welfare will be afforded after the waiver. The Board has considered the waiver requests as described above and finds that the waiver meets the four criteria of the rule and the evidence in support of the waiver is clear and convincing.

Adherence to these rules would be an undue hardship on a competitive telecommunications company just beginning to do business in Iowa. It would be an undue hardship on IT Communications because other competitive carriers have been granted similar waiver requests. The Board finds there are no substantial legal rights of any person that are affected by these waivers and there is no statute that specifically mandates the actions waived. Additionally, the Board finds that there will be substantially equal protection for the public health, safety, and welfare provided since the actions waived will be completed under different circumstances.

IT IS THEREFORE ORDERED:

1. The application for a certificate of public convenience and necessity filed by IT Communications, LLC, on June 6, 2005, is approved, subject to the requirements that follow.

2. The Board will issue a certificate of public convenience and necessity allowing IT Communications, LLC, to provide local exchange service in Iowa upon approval of tariffs to reflect the prices, terms, and conditions of local exchange service and maps showing the service territory to be served. At the time IT Communications, LLC, files proposed tariffs with the Board, it must give notice to all affected local exchange carriers.

3. The waiver of 199 IAC 16.5(2) and 22.3(1), identified as Docket No. WRU-05-28-3808, is granted as described in this order.

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 30th day of August, 2005.