

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: INDEPENDENCE TELECOMMUNICATIONS UTILITY	DOCKET NOS. TCU-05-16 WRU-05-38-3816
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**ORDER GRANTING APPLICATION, APPROVING CONCURRENCE IN MAPS,
AND GRANTING WAIVER**

(Issued September 27, 2005)

On August 12, 2005, Independence Telecommunications Utility (Independence) 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 the Independence, Iowa, exchange currently being served by Qwest Corporation (Qwest). The application has been identified as Docket No. TCU-05-16. Independence has provided financial statements and the qualifications of its company officers and has stated it will support a 2-PIC dialing methodology for dialing parity. No objections to the application were received.

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 Independence's application and finds the necessary technical, financial, and managerial ability to provide local exchange service has been demonstrated. Independence 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.

Independence also states that its service area will mirror the Independence exchange and service area maps of Qwest as they are currently filed and may be modified in the future. Iowa Code § 476.29(4) requires that each certificate define the service territory in which landline local telephone service will be provided and authorizes the Board to promulgate rules establishing the requirements for filing maps showing the service territory. Subrule 199 IAC 22.20(3) requires that all utilities have maps on file with the Board that show exchange boundaries. The Board finds that Independence has complied with the statutory and rule requirements by concurring in Qwest's exchange maps.

Independence first 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-05-38-3816.

Independence requests a waiver of 199 IAC 16.5(2), which requires the keeping of records according to the uniform systems of accounts. Independence 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.

Independence also requests a waiver of 199 IAC 22.3(1), requiring it to independently publish a directory. The Board will grant this waiver based upon Independence's 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 Independence 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 Independence Telecommunications Utility on August 12, 2005, is granted.
2. The concurrence in the maps and boundaries of the Independence, Iowa, exchange of Qwest Corporation is approved.
3. The waiver of 199 IAC 16.5(2) and 22.3(1), identified as Docket No. WRU-05-38-3816, is granted as described in this order.
4. The Board will issue a certificate of public convenience and necessity allowing Independence Telecommunications Utility to provide local exchange service in the Independence, Iowa, exchange upon approval of a tariff reflecting the prices, terms, and conditions of its local exchange service in Iowa.

UTILITIES BOARD

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 27th day of September, 2005.