

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  BROOKINGS MUNICIPAL UTILITIES, d/b/a SWIFTEL COMMUNICATIONS	DOCKET NO. FCU-06-5 (Iowa Code § 477C.7)
--	---

**ORDER OPENING DOCKET AND GIVING NOTICE  
PURSUANT TO IOWA CODE § 476.51**

(Issued January 18, 2006)

On April 6, 2005, Governor Vilsack signed into law an act, identified as Senate File 264 (SF 264), which amended Iowa Code § 477C.7. SF 264 became effective on July 1, 2005. The amendment related to the funding of the dual party relay service (DPRS) and the method of assessment on telecommunications carriers providing telephone service in the state of Iowa. Among other things, the amendment requires that wireless communications service providers pay part of the cost of the DPRS.

On June 17, 2005, the Utilities Board (Board) issued an "Order Requiring Reporting and Assessment and Granting Confidentiality" in Docket No. Iowa Code § 477C.7. In that order, the Board described the situation and directed wireless communications providers to make certain filings.

Under the previous law, the DPRS was funded through an assessment that was allocated one-half to local exchange telephone utilities and one-half to a group consisting of interexchange carriers (IXCs), centralized equal access carriers, and alternative operator service (AOS) companies. The new law re-allocates the

assessment by requiring 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 proportionally based on intrastate revenue, one-half to local exchange service providers and one-half to the group of IXC's, centralized equal access providers, and AOS companies.

To enable the Board to allocate the remainder assessment as accurately as possible, the order of June 17, 2005, directed 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.<sup>1</sup> The Board directed that initial reports, without any payments, be submitted on or before June 30, 2005, providing an actual number of retail lines being used by wireless service provider in Iowa as of May 31, 2005. The Board further ordered that each wireless service provider 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 therefore due on or before October 31, January 31, April 30, and July 31 for the previous calendar quarter.

In recognition of administrative burdens associated with the implementation of the amended statute, the Board established a *de minimus* exception that requires

---

<sup>1</sup> Iowa Code § 477C.7(4) (2005) specifies that, "telecommunications carriers subject to assessment shall provide the information requested by the board necessary for implementation of the assessment."

wireless telecommunications service providers that have less than 200 lines<sup>2</sup> in Iowa throughout a calendar quarter to submit quarterly reports to the Board, but exempts them from submitting an assessment payment.

Iowa Code § 476.51 (2005) states that a public utility which, after written notice by the Board of a specific violation, violates the same provision of an order of the Board, is subject to civil penalties of not less than \$100 or more than \$2,500 per violation. If the utility willfully violates the same provision of a Board order, the civil penalty is not less than \$1,000 or more than \$10,000 per violation. A wireless communications service provider that fails to file reports or submit assessment payments pursuant to the Board's June 17, 2005, order may be subject to those penalties.

Brookings Municipal Utilities, d/b/a Swiftel Communications (Swiftel), filed the report for the quarter ending September 30, 2005, as required by the Board's June 17, 2005, order. However, the Board's staff has noted a large discrepancy in the reported number of lines when compared to the numbers obtained directly from Neustar, Inc. (Neustar), the North American Numbering Plan Administrator, regarding the assigned number resources of wireless carriers in Iowa.

It appears that Swiftel has violated the portion of the June 17, 2005, order requiring that wireless telecommunications service providers in Iowa remit a report of the numbers in service each month of the quarter ending September 30, 2005, in that

---

<sup>2</sup> The Board clarified that it was seeking only line count information for retail lines that are currently in use in Iowa during the months being reported. Further, the Board defined "wireless communications service number" as a revenue-producing telephone number used by a wireless communications service provider.

the report as submitted may have been inaccurate. The possible inaccuracy may have caused the assessment payment that was remitted to be incorrect.

Accordingly, Swiftel shall submit to the Board by January 31, 2006, a written explanation detailing the difference between the assigned number resources on file with Neustar and the line counts submitted to the Board in the October 31, 2005, report. This explanation shall be filed on or before January 31, 2005.

**IT IS THEREFORE ORDERED:**

1. Docket No. FCU-06-5 is opened to review compliance with the Board's June 17, 2005, order in Docket No. Iowa Code § 477C.7 by Brookings Municipal Utilities, d/b/a Swiftel Communications.

2. Brookings Municipal Utilities, d/b/a Swiftel Communications, shall submit to the Board by January 31, 2006, a written explanation between the assigned number resources on file with Nuestar and the line counts submitted to the Board in the October 31, 2005, report. In addition, any additional assessment payments due because of the discrepancy shall be remitted with the explanation.

**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 18<sup>th</sup> day of January, 2006.