

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: MARNE AND ELK HORN TELEPHONE COMPANY	DOCKET NO. 199 IAC 39.2(4)
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ORDER DESIGNATING ELIGIBLE CARRIER

(Issued January 25, 2006)

On November 22, 2005, Marne and Elk Horn Telephone Company (Marne and Elk Horn) filed with the Utilities Board (Board) an application for universal service eligible carrier status in certain Iowa exchanges. Marne and Elk Horn asks that the Board designate it as an eligible telecommunications carrier (ETC) pursuant to 199 IAC 39.2(4) in the Exira, Iowa, exchange. No objections have been filed regarding this application.

Board rule 39.2 provides a means by which the Board can designate Iowa telecommunications companies to be eligible to receive funding from the universal service fund, as defined by the Telecommunications Act of 1996, 47 U.S.C. § 254. Under the Act (and the Federal Communications Commission regulations implementing the Act), the Board must determine that a carrier meets certain service requirements before it may be designated an eligible carrier as set forth in subrule 39.2(4). The carrier must:

- 1) Offer the services supported by the federal universal service fund;
- 2) Offer the services using its own facilities or a combination of its own facilities and resale (47 C.F.R. § 54.201(c) provides that "own facilities" includes purchased unbundled network elements);
- 3) Advertise the availability of the supported services; and
- 4) Offer the services throughout the designated service area.

In its request for designation, Marne and Elk Horn states that it satisfies each of these requirements. Based on that representation, the Board finds that Marne and Elk Horn offers the services supported by the federal universal service fund, using its own facilities or a combination of its own facilities and resale of the facilities of another carrier. The Board also finds that Marne and Elk Horn advertises and offers the services throughout its designated service area.

The Board notes that pursuant to federal mandate, Marne and Elk Horn is required to file an annual certification with the Board regarding its use of universal service funds. This filing should be made pursuant to rule 39.5 and subrule 22.2(7) as described in Docket Nos. RMU-05-4, Quality of Service Reporting by Eligible Carriers, and RMU-01-14, Certification of Rural and Non-Rural Telecommunications Carriers.

IT IS THEREFORE ORDERED:

1. Eligible telecommunications carrier status is granted to Marne and Elk Horn Telephone Company as requested on November 22, 2005. The new designated service area shall be the Exira, Iowa, exchange as shown by its tariffs as currently and subsequently approved.

2. The Executive Secretary of the Utilities Board shall mail copies of this order to Marne and Elk Horn Telephone Company, the Universal Service Administration Company, the Federal Communications Commission Universal Service Branch, and the Federal Communications Commission Office of the Secretary.

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 25th day of January, 2006.