

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: IOWA TELECOMMUNICATIONS SERVICES, INC., d/b/a IOWA TELECOM	DOCKET NO. WRU-05-55-263
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ORDER GRANTING WAIVER

(Issued January 31, 2006)

On December 22, 2005, Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom), filed with the Utilities Board (Board) a request for waiver of the obligations regarding the publication of directories set forth in 199 IAC 22.3(1)"a" of the Board's rules. Section 22.3(1)"a" provides, in pertinent part, as follows:

- a. Telephone directories shall be published not less than annually, except for good cause shown, listing the name, address and telephone number of all customers unless otherwise requested by the customer.

According to the request, Iowa Telecom currently publishes 39 separate directories. Iowa Telecom has recently changed directory publishers. As part of the change, an evaluation of the scope of each directory was made, resulting in a proposal to consolidate some of the directories. This consolidation of some of the directories that currently include only one small exchange would result in the publication of 25 separate directories, allowing Iowa Telecom to better align the directories with the markets they serve and to include communities that are part of the same school district into one directory in many cases.

In addition to consolidating directories, Iowa Telecom proposes to change some directory issue dates to allow the publishing timeline to be more efficiently scheduled. This proposal would require the next directory publication for 14 exchanges to be more than 12 months after the last published directory for that exchange, as required by 199 IAC 22.3(1)"a."

Iowa Telecom plans to notify customers and advertisers of these changes through various methods. In those exchanges where publication will be delayed by one month, press releases and sales interviews prior to the close of the current directory issue will be utilized. Where the publication will be delayed by more than one month, bill messages will be used in addition to the press releases and sales interviews. The longest delay for any exchange will be eight months.

To waive a rule the Board must find, based upon clear and convincing evidence, that the four criteria in 199 IAC 1.3 are met. Those criteria are: 1) the application of the rule would pose an undue hardship, 2) the waiver would not prejudice the substantial legal rights of any person, 3) the provisions waived are not specifically mandated by statute, and 4) substantially equal protection of public health, safety, and welfare will be afforded after the waiver.

The Board agrees with Iowa Telecom's position that the proposed directory publication and consolidation schedule would benefit consumers in all affected exchanges as well as increase the efficiency of Iowa Telecom's directory publications.

According to its filed request, if Iowa Telecom's request for waiver was denied, Iowa Telecom resources that would otherwise be used for consolidating certain

directories would be diverted to publishing and distributing directories that, in many of the affected exchanges, would only be in use for one month before the consolidated publications are printed and distributed, causing an undue hardship to Iowa Telecom. According to Iowa Telecom, the slight inconvenience that may be caused by delay of directory publication in certain exchanges will be outweighed by the pro-consumer effects of directory consolidation, affording substantially equal protection of public health, safety, and welfare by a means other than that required by 199 IAC 22.3(1)"a." Last, Iowa Telecom notes that the provisions of the rule are not specifically mandated by statute or other provision of law.

The Board finds that the circumstances and evidence presented support a granting of the waiver as requested by Iowa Telecom.

IT IS THEREFORE ORDERED:

The request for waiver of the provisions of 199 IAC 22.3(1)"a" filed by Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, on December 22, 2005, is granted as discussed in the body of this order.

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 31st day of January, 2006.