

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>ELIGIBILITY, CERTIFICATION, AND REPORTING REQUIREMENTS FOR ELIGIBLE TELECOMMUNICATIONS CARRIERS [199 IAC 39]</p>	<p>DOCKET NO. RMU-06-1</p>
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ORDER COMMENCING RULE MAKING

(Issued February 24, 2006)

Pursuant to the authority of Iowa Code §§ 17A.4 and 476.2 and 47 U.S.C. § 214(e), the Utilities Board (Board) proposes the amendments attached hereto and incorporated herein by reference. The proposed amendments to 199 IAC 39, if adopted, would establish new eligibility, certification, and reporting requirements for carriers wanting to be designated as an eligible telecommunications carrier (ETC) for purpose of the federal universal service fund (USF).

State commissions have the primary responsibility of designating ETCs. See 47 U.S.C. § 214(e)(2). Carriers who wish to receive federal universal service funding must be designated as an ETC. The current rules in 199 IAC 39 outline the requirements a telecommunications carrier must meet when applying to the Board for ETC designation. All incumbent local exchange carriers (ILECs) in Iowa, as well as some competitive local exchange carriers (CLECs) and wireless carriers, have received an ETC designation from the Board.

On March 17, 2005, the Federal Communications Commission (FCC) released its "Report and Order" in CC Docket No. 96-45¹ (Report and Order). The Report and Order adopted certain recommendations made by the Federal-State Joint Board on Universal Service regarding minimum eligibility, certification, and reporting requirements for carriers wanting to be designated as an ETC by the FCC. As part of the March 17, 2005, order, the FCC encouraged states exercising jurisdiction over ETC designations pursuant to 47 U.S.C. § 214(e)(2), to adopt the same requirements. In addition, the Report and Order also permits states to extend generally applicable consumer protection requirements to all ETCs, including wireless carriers.

The Board proposes to adopt the FCC's requirements, with some revisions. With respect to the FCC's new eligibility requirements, the Board proposes to require applicants for ETC designation to (1) provide a two-year plan demonstrating how high-cost universal service support will be used to improve coverage, service quality, or capacity in every wire center where designation is sought;² (2) demonstrate an ability to remain functional in emergency situations; (3) demonstrate compliance with consumer protection and service quality standards; (4) offer local usage plans comparable to those offered by the ILEC in areas where designation is sought; and (5) acknowledge the possible provision of equal access to long distance carriers if all

¹ See, *In Re: Federal-State Joint Board on Universal Service*, "Report and Order," CC Docket No. 96-45, issued March 17, 2005.

² The FCC's March 17, 2005, order recommends a five-year build-out plan. The Board tentatively concludes that a five-year plan may be inappropriate for some ETCs and therefore is proposing a two-year plan.

other ETCs in the designated service area relinquish their designations pursuant to 47 U.S.C. § 214(e)(4).

The Board notes that while these proposed eligibility requirements are to be prospective in nature for all telecommunications carriers who seek ETC designation, there are currently over 200 carriers providing service in Iowa that have already sought and obtained ETC designation. The Board proposes to require all telecommunications carriers with current ETC designation to submit evidence to the Board that demonstrates compliance with the FCC's new ETC eligibility requirements. The Board proposes that these carriers submit this evidence on or before August 1, 2006, at the same time that their annual certification filing is required.

With respect to the FCC's recommended annual reporting and certification requirements, the Board proposes to establish specific reporting requirements for all ETCs as suggested by the FCC including (1) progress updates on the carrier's two year service quality improvement plan; (2) detailed information regarding outages in the ETC's network; (3) the number of requests for service from potential customers that were unfilled for the past year; (4) the number of complaints per 1,000 handsets or lines; (5) certification that the ETC is complying with applicable service quality standards and consumer protection rules; (6) certification that the ETC is able to function in emergency situations; (7) certification that the ETC is offering a local usage plan comparable to that offered by the ILEC in the relevant service areas; and (8) certification that the carrier acknowledges that the FCC may require it to provide

equal access to long distance carriers in the event that no other ETC is providing equal access within the service area.

The Board tentatively agrees with the FCC that these reporting and certification requirements will help to ensure that ETCs continue to comply with the conditions of the ETC designation and that universal service funds are used for their intended purposes. The Board will propose that the annual reporting period for these reports and certifications follow the calendar year of January 1 to December 31. The Board proposes that this initial reporting period will be January 1 to December 31, 2005, with an initial filing deadline of August 1, 2006. Following this initial reporting deadline, the Board proposes that all ETC annual reports and certifications be filed on or before May 1st of each subsequent year. In addition, the Board proposes that reports be filed in both electronic and hard copy.

The Board recognizes that some of the information contained in the annual reports may be subject to confidential treatment, specifically, information relating to network development plans. As such, the Board proposes to add information related to future network development plans and updates to the list of materials to be withheld from public inspection pursuant to 199 IAC 1.9(5)"c."

Under the Board's current rules, the Board's jurisdiction in the area of service quality for ETCs extends primarily to those eligible carriers that provide traditional wireline service. Wireless carriers with ETC designation are currently required only

to report various indicators of the general quality of their universal service fund-based services.³

As recommended by the Joint Board, the FCC adopted the requirement that a carrier seeking ETC designation demonstrate its commitment to meeting consumer protection and service quality standards in its application before the Board. The FCC requires, and the Board tentatively agrees, that an ETC applicant must make a specific commitment to objective measures to protect consumers. The Board proposes that in the case of wireline carriers, the Board's current service quality rules are consistent with federal law and are sufficient to satisfy the FCC's requirement. For wireless ETCs, however, in addition to the service quality reporting requirements set forth in the Board's current rules and to remain consistent with the designation framework established in the *Virginia Cellular ETC Designation Order*⁴ and *Highland Cellular ETC Designation Order*,⁵ the Board proposes to adopt, with revisions, the FCC's suggestion that a commitment by wireless carriers to comply with the 2006 Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service⁶ will satisfy the consumer protection requirement for a wireless ETC applicant seeking designation. Under the proposed rule and consistent with the 2006

³ See, *In Re: Eligible Telecommunications Carrier Designation for Wireless Carriers*, IUB Docket No. RMU-03-13, adopted May 24, 2004.

⁴ See, *In re: Federal-State Joint Board on Universal Service; Virginia Cellular, LLC, Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia*, "Memorandum Opinion and Order," CC Docket No. 96-45, 19 FCC Rcd. 1563 (2004).

⁵ See *In re: Federal-State Joint Board on Universal Service; Highland Cellular, LLC, Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia*, CC Docket No. 96-45, FCC Rcd. 6438 (2004).

⁶ CTIA, Consumer Code for Wireless Service, will be available at http://www.wow-com.com/pdf/The_Code.pdf.

CTIA Consumer Code, wireless carriers seeking ETC designation will agree to:

(1) disclose rates and terms of service to customers; (2) make available maps showing where service is generally available; (3) provide contract terms to customers and confirm changes in service; (4) allow a trial period for new service; (5) provide specific disclosures in advertising; (6) separately identify carrier charges from taxes on billing statements; (7) provide customers the right to terminate service for changes to contract terms; (8) provide ready access to customer service; (9) promptly respond to consumer inquiries and complaints received from government agencies; and (10) abide by policies for protection of consumer privacy. A copy of the CTIA Consumer Code for Wireless Carriers will be available for review at the Board's Records Center and is also available at www.wow-com.com/pdf/The_Code.pdf.

The current Board rules regarding consumer protection for wireline carriers, found in 199 IAC IAC 6 and 22, are applicable to all wireline carriers providing service in Iowa, regardless of ETC designation. While the Board proposes to impose the FCC's recommended consumer protection requirement only on wireless carriers that are seeking ETC designation, the Board is also interested in receiving comments regarding whether any or all of these requirements also should be imposed on all wireless carriers providing service in Iowa, regardless of ETC designation.

IT IS THEREFORE ORDERED:

1. A rule making proceeding, identified as Docket No. RMU-06-1, is commenced for purposes of receiving comments upon the proposed rule attached to this order.

2. The Executive Secretary is directed to submit for publication in the Administrative Bulletin, a notice in the form attached to and incorporated by reference in 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 24th day of February, 2006.

UTILITIES DIVISION [199]

Notice of Intended Action

Pursuant to Iowa Code sections 17A.4 and 476.2 and 47 U.S.C. section 214(e), the Utilities Board (Board) gives notice that on February 24, 2006, the Board issued an order in Docket No. RMU-06-1, In re: Eligibility, Certification, and Reporting Requirements for Eligible Telecommunications Carriers [199 IAC 39], "Order Commencing Rule Making," to receive public comment on the proposed amendments to 199 IAC 39 proposing eligibility, certification, and reporting requirements for carriers wanting to be designated as an ETC.

On March 17, 2005, the Federal Communications Commission (FCC) released its "Report and Order" in CC Docket No. 96-45⁷ (Report and Order). The Report and Order adopted certain recommendations made by the Federal-State Joint Board on Universal Service regarding minimum eligibility, certification, and reporting requirements for carriers wanting to be designated as an ETC. In addition, the Report and Order also permits states to extend generally applicable consumer protection requirements to all ETCs, including wireless carriers. As part of the Report and Order, the FCC encouraged states exercising jurisdiction over ETC designations pursuant to 47 U.S.C. section 214(e)(2) to adopt the same requirements.

⁷ See, *In Re: Federal-State Joint Board on Universal Service*, "Report and Order," CC Docket No. 96-45, issued March 17, 2005.

The Board proposes to adopt the FCC's requirements, with some revisions. The Board proposes to adopt the FCC's recommended new eligibility requirements and annual reporting and certification requirements for all carriers seeking ETC designation. In addition, the Board proposes that in the case of wireline carriers, the Board's current service quality rules are consistent with federal law and are sufficient to satisfy the FCC's requirements for consumer protection and service quality standards. For wireless ETCs, however, in addition to the service quality reporting requirements set forth in the Board's current rules and to remain consistent with the designation framework established in the *Virginia Cellular ETC Designation Order*⁸ and *Highland Cellular ETC Designation Order*,⁹ the Board proposes to adopt the FCC's suggestion that a commitment by wireless carriers to comply with the 2006 Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service¹⁰ will satisfy the consumer protection requirement for a wireless ETC applicant seeking designation. A copy of the CTIA Consumer Code for Wireless Carriers will be available for review at the Board's Records Center and is also available at www.wow-com.com/pdf/The_Code.pdf.

The order commencing rule making contains a more thorough discussion of the reasons for the proposed rule making. The order is available on the Board's Web site at www.state.ia.us/iub.

⁸ See, *In re: Federal-State Joint Board on Universal Service; Virginia Cellular, LLC, Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia*, "Memorandum Opinion and Order," CC Docket No. 96-45, 19 FCC Rcd. 1563 (2004).

⁹ See *In re: Federal-State Joint Board on Universal Service; Highland Cellular, Inc., Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia*, "Memorandum Opinion and Order," CC Docket No. 96-45, 19 FCC Rcd. 6438 (2004).

Pursuant to Iowa Code sections 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before April 4, 2006, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

A public hearing to receive comments on the proposed amendments will be held at 9 a.m. on Wednesday, April 26, 2006, in the Board's hearing room at the address listed above. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515)281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

These amendments are intended to implement Iowa Code section 476.2 and 47 U.S.C. §§ 214(e) and 254.

The following amendments are proposed.

ITEM 1: Add new paragraphs 39.2(3)"c" through "l":

c. Submit an explanation of how the carrier will provide each of the supported services listed in 199 IAC 39.2(1).

d. Submit a description, including detailed map or maps, of the area or areas for which ETC designation is sought. Commercial mobile radio service (CMRS)

¹⁰ CTIA, Consumer Code for Wireless Service, will be available at http://www.wow-com.com/pdf/The_Code.pdf

providers, as defined in 47 C.F.R. Parts 20 and 24, shall file maps identifying existing tower cite locations for CMRS cell towers.

e. Submit a network improvement plan. ETC applicants shall submit a two-year plan specifically describing its proposed improvements or upgrades to its network on a wire center basis throughout its proposed designated service area. The plan must demonstrate in detail how high-cost support will be used for service improvements that would not occur absent support. The plan must demonstrate: 1) how signal quality, coverage, or capacity will improve in the designated area due to receipt of support; 2) the projected start and completion date for each improvement, including the estimated amount of investment per project funded by high-cost support; 3) the specific geographic areas where improvements will be made; and 4) the estimated population that will be served as a result of the improvements. This information should be reported for each wire center in each service area that support is received, or an explanation of why improvements in a specific wire center are not needed and how funding will otherwise be used to further the provision of supported services in that area. Carriers that are not requesting high cost support should indicate this in their application. Carriers that are not seeking or receiving high cost support are not required to file a network improvement plan, nor are they required to file annual updates.

f. Demonstrate that it will comply with applicable consumer protection standards. Wireline telecommunications carriers shall commit to complying with the consumer protection rules set out in 199 IAC chapters 6 and 22. Wireless

telecommunications carriers shall commit to complying with the following minimum consumer protection standards:

(1) Disclosure rates and terms of service to consumers. For each rate plan offered to new consumers, wireless carriers will make available to consumers in collateral or other disclosures at point of sale and on their web sites, at least the following information, as applicable: (a) the calling area for the plan; (b) the monthly access fee or base charge; (c) the number of airtime minutes included in the plan; (d) any nights and weekend minutes included in the plan or other differing charges for different time periods and the time periods when nights and weekend minutes or other charges apply; (e) the charges for excess or additional minutes; (f) per-minute long distance charges or whether long distance is included in other rates; (g) per-minute roaming or off-network charges; (h) whether any additional taxes, fees or surcharges apply; (i) the amount or range of any such fees or surcharges that are collected and retained by the carrier; (j) whether a fixed-term contract is required and its duration; (k) any activation or initiation fee; and (l) any early termination fee that applies and the trial period during which no early termination fee will apply.

(2) Make available maps showing where service is generally available. Wireless carriers will make available at point of sale and on their web sites maps depicting approximate voice service coverage applicable to each of their rate plans currently offered to consumers. To enable consumers to make comparisons among carriers, these maps will be generated using generally accepted methodologies and standards to depict the carrier's outdoor coverage.

All such maps will contain an appropriate legend concerning limitations and/or variations in wireless coverage and map usage, including any geographic limitations on the availability of any services included in the rate plan. Wireless carriers will periodically update such maps as necessary to keep them reasonably current. If necessary to show the extent of service coverage available to customers from carriers' roaming partners, carriers will request and incorporate coverage maps from roaming partners that are generated using similar industry-accepted criteria or, if such information is not available, incorporate publicly available information regarding roaming partners' coverage areas.

(3) Provide contract terms to customers and confirm changes in service.

When a customer initiates service with a wireless carrier or agrees to a change in service whereby the customer is bound to a contract extension, the carrier will provide or confirm the material terms and conditions of service with the subscriber.

(4) Allow a trial period for new service. When a customer initiates service with a wireless carrier, the customer will be informed of and given a period of not less than 14 days to try out the service. The carrier will not impose an early termination fee if the customer cancels service within this period, provided that the customer complies with applicable return and/or exchange policies. Other charges, including airtime usage, may still apply.

(5) Provide specific disclosure in advertising. In advertising of prices for wireless service or devices, wireless carriers will disclose material charges and

conditions related to the advertised prices, including if applicable and to the extent the advertising medium reasonably allows: (a) activation or initiation fees; (b) monthly access fees or base charges; (c) any required contract term; (d) early termination fees; (e) the terms and conditions related to receiving a product or service for "free"; (f) the times of any peak and off-peak calling periods; (g) whether different or additional charges apply for calls outside of the carrier's network or outside of designated calling areas; (h) for any rate plan advertised as "nationwide" (or using similar terms), the carrier will have available substantiation for this claim; (i) whether prices or benefits apply only for a limited time or promotional period and, if so, any different fees or charges to be paid for the remainder of the contract term; (j) whether any additional taxes, fees, or surcharges apply; and (k) the amount or range of any such fees or surcharges collected and retained by the carrier.

(6) Separately identify carrier charges from taxes on billing statements. On customers' bills, carriers will distinguish (a) monthly charges for service and features, and other charges collected and retained by the carrier, from (b) taxes, fees, and other charges collected by the carrier and remitted to federal, state, or local governments. Carriers will not label cost recovery fees or charges as taxes.

(7) Provide customers the right to terminate service for changes to contract terms. Carriers will not modify the material terms of their subscribers' contracts in a manner that is materially adverse to subscribers without providing a reasonable advance notice of a proposed modification and allowing subscribers

a time period of not less than 14 days to cancel their contracts with no early termination fee.

(8) Provide ready access to customer service. Customers will be provided a toll-free telephone number to access a carrier's customer service during normal business hours. Customer service contact information will be provided to customers online and on billing statements. Each wireless carrier will provide information about how customers can contact the carrier in writing, by toll-free telephone number, via the Internet, or otherwise with any inquiries or complaints, and this information will be included, at a minimum, on all billing statements, in written responses to customer inquiries, and on carriers' web sites. Each carrier will also make such contact information available, upon request, to any customer calling the carrier's customer service department.

(9) Promptly respond to consumer inquiries and complaints received from government agencies. Inquiries for information or complaints to a wireless ETC shall be resolved promptly and courteously. If a wireless ETC cannot resolve a dispute with the applicant or customer, the wireless ETC shall inform the applicant or customer of the right to file a complaint with the board. The wireless ETC shall provide the following board address and toll-free telephone number: Iowa Utilities Board, Customer Service, 350 Maple Street, Des Moines, IA 50319-0069, 1-877-565-4450. When the board receives a complaint that includes necessary information outlined in rule 39.2, the procedures set out in 199 IAC 6, "Complaint Procedures," shall be followed. When a customer submits to the board a written complaint alleging an unauthorized change in service, the

complaint will be processed by the board pursuant to 199 IAC 6, "Complaint Procedures."

(10) Abide by policies for protection of customer privacy. Each wireless carrier will abide by a policy regarding the privacy of customer information in accordance with applicable federal and state laws and will make available to the public its privacy policy concerning information collected online.

g. Demonstrate that it will comply with applicable service quality standards. Wireline ETC applicants shall demonstrate that it will comply with applicable service quality standards set forth in 199 IAC 22. All ETC applicants shall commit to complying with the service quality reporting requirements set forth in 199 IAC 39.5.

h. Demonstrate its ability to maintain a reasonable amount of back-up power to ensure functionality without an external power source, demonstrate the ability to reroute traffic around damaged facilities and demonstrate the capability of managing traffic spikes due to emergencies. ETCs are required to certify annually that they are able to function in emergency situations.

i. Demonstrate its commitment to offer a local usage plan comparable to the one offered by the incumbent local exchange carrier in the areas for which the carrier seeks designation. Such commitment shall include a commitment to provide Lifeline and Linkup discounts at rates, terms, and conditions comparable to the Lifeline and Linkup offerings of the incumbent local exchange carrier providing service in the relevant service area.

j. File a statement that it acknowledges that it shall provide equal access if all other eligible carriers in that service area relinquish their designations pursuant to section 214(e) of the Telecommunications Act of 1996.

k. Demonstrate that granting ETC designation to the carrier is in the public interest. The public interest analysis should include discussion on the benefits of increased consumer choice and, if relevant, the benefits of providing consumer choices on service offerings in rural and high cost areas. The public interest analysis should also include discussion on the particular advantages and disadvantages of the applicant's offering. For example, the analysis should discuss the potential benefits of mobility that wireless carriers provide in geographically isolated areas, the potential impact on toll charge to affected consumers, and the potential for consumers to obtain services comparable to those provided in urban areas, such as voicemail, numeric paging, call forwarding, three way calling, call waiting, and other premium services. The analysis should also address the disadvantages of dropped call rates and poor coverage.

l. Respond to board requests for information related to the status of local voice service markets or facilities. Board requests may include surveys on the number of customers using specific services, facilities, or service packages, explanations of services or service packages, pricing information on services offered, carrier advertising efforts, and market trends.

ITEM 2: Amend rule 199—39.5 as follows:

199—39.5 (476) Quality of service reporting by eligible telecommunications

carriers. Carriers designated by the utilities board as eligible to receive universal service support pursuant to 47 U.S.C. § 214(e) must measure and report to the board the quality of service performance for the criteria listed below. Quality of service reporting shall be provided annually in a format determined by the board. The initial annual reporting period shall be from January 1 to December 31, 2005, and for each calendar year thereafter. Carriers shall file the initial reports on or before August 1, 2006, and on or before May 1 for each calendar year thereafter. Carriers shall file both paper and electronic copies.

ITEM 3: Add new subrules 199—39.5(5) through (8) as follows:

5. Progress updates on the carrier's two-year service quality improvement plan. This report should include maps detailing progress towards meeting its plan targets, an explanation of how much universal service support was received and how the support was used to improve signal quality, coverage, or capacity; and an explanation regarding any network improvement targets that have not been fulfilled. The information should be submitted at the wire center level.

6. Detailed information on outages in the ETC's network. This report should include detailed information on any outage lasting at least 30 minutes, for any service area in which an ETC is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least 10 percent of the end users served in a designated service area, or that potentially affect a 911 special facility (as defined in subsection (e) of section 4.5 of the Outage Reporting Order). An outage is defined as a significant degradation in the ability of an end

user to establish and maintain a channel of communications as a result of failure or degradation in the performance of a communications provider's network.

Specifically, the ETC's annual report must include: 1) the date and time of onset of the outage; 2) a brief description of the outage and its resolution; 3) the particular services affected; 4) the geographic areas affected by the outage; 5) steps taken to prevent a similar situation in the future; and 6) the number of customers affected.

7. The number of requests for service from potential customers that were unfilled for the past year.

8. The number of complaints per 1000 handsets or lines.

ITEM 4: Rescind subrule 22.2(7) and add new rule 199—39.6 as follows:

199—39.6(476) ~~22.2(7)~~ Universal service certification application.

a. Certification to be filed with the board. Any carrier desiring to continue to receive federal high-cost universal service support shall file no later than August 1, 2006, and May 1 of each calendar year thereafter, an original and two copies of an affidavit with the board and one copy to the consumer advocate division of the department of justice.

b. Content of certification. Each affidavit shall be titled "Certification of [Company Name]." The company name shall be the same name shown on the carrier's tariff as filed with the board. The affidavit shall include the study area code (SAC) number associated with the company. The affidavit shall be sworn and notarized and shall be executed by an authorized corporate officer. The affidavit shall certify that the carrier will use the support the carrier receives

pursuant to 47 CFR § 54.301, 54.305, or 54.307, or Part 36, Subpart F, of FCC regulations, or successor regulations concerning high cost universal service support, only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. In addition, the affidavit shall certify that the carrier will comply with applicable service quality standards and consumer protection rules, certify that the carrier is able to function in emergency situations, certify that the carrier is offering a local usage plan comparable to that offered by the ILEC in the relevant service areas, certify that the carrier acknowledges that it may be required to provide equal access to long distance carriers in the event that no other eligible carrier is providing equal access within the service area. The affidavit shall also certify to the following. As an eligible telecommunications carrier, the carrier agrees to provide timely responses to board requests for information related to the status of local voice service markets or facilities.

c. Certifications subject to complaint or investigation. Any certification filed by a carrier shall be subject to complaint or investigation or both by the board.

CERTIFICATION OF [COMPANY NAME]

STATE OF IOWA

COUNTY OF _____

I, [authorized corporate officer], [office], [company name], being of lawful age and duly sworn, depose and state:

[Company name], [SAC number], will use the support [company name] received pursuant to 47 CFR §§ 54.301, 54.305, and/or 54.307, and/or Part 36,

Subpart F, of FCC regulations or successor regulations concerning high-cost universal service support, only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. In addition, [company name] certifies that it will comply with applicable service quality standards and consumer protection rules, certifies that it is able to function in emergency situations, certifies that it is offering a local usage plan comparable to that offered by the ILEC in the relevant service areas, certifies that it acknowledges that it may be required to provide equal access to long distance carriers in the event that no other eligible carrier is providing equal access within the service area. As an Eligible Telecommunications Carrier, [company name] agrees to provide timely responses to Board requests for information related to the status of local voice service markets or facilities.

I further state that I am authorized by [company name] to make this statement.

[authorized officer]

Subscribed and sworn to before me this _____ day of _____, _____

Notary Public

ITEM 5: Amend paragraph 199—1.9(5)"c" as follows:

c. Materials exempted pursuant to requests deemed granted by the board.

Requests that material or information be withheld from public inspection that contain negotiated transportation rates and prices for natural gas supply,

reservation charges for portfolio gas supply contracts, and terms and prices for all hedging activity including both financial hedges and weather-related information included in monthly purchased gas adjustment filings, annual purchase gas adjustment filings, annual purchased gas adjustment reconciliations, periodic filings related to changes in purchased gas adjustment factors, negotiated purchase prices for electric power, fuel, and transportation, customer-specific information, power supply bills in support of energy adjustment clause filings, network development information, or the financial records filed by applicants for certificates of convenience and necessity to provide competitive local exchange service shall be deemed granted pursuant to Iowa Code section 22.7(3), as a trade secret, or pursuant to Iowa Code section 22.7(6), as a report to a government agency which, if released, would benefit competitors and would serve no public purpose, or pursuant to both sections, provided that the confidential portions of the filings are identified and segregated and an attorney for the company or a corporate officer avers that those portions satisfy Iowa Code section 22.7(3) or (6), or both, as interpreted by the Iowa Supreme Court. The information shall be held confidential by the board upon filing and will be subject to the provisions of 199 IAC 1.9(8)"b"(3).

February 24, 2006

/s/ John R. Norris
John R. Norris, Chairman