

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: SPRINT COMMUNICATIONS COMPANY L.P.	DOCKET NO. SPU-05-21 <hr/> CERTIFICATE NO. 0271
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**ORDER CANCELING CERTIFICATE AND
ISSUING ORDER IN LIEU OF CERTIFICATE**

(Issued March 3, 2006)

On December 29, 2005, Sprint Communications Company L.P. (Sprint) filed with the Utilities Board (Board) a request to withdraw its local exchange tariff. On January 11, 2006, the Board issued an order canceling Sprint's tariff. As part of the January 11 order, the Board noted that withdrawal of a local exchange tariff usually results in the simultaneous cancellation of a carrier's certificate of public convenience and necessity. The Board noted that Sprint did not make any statements or requests regarding the disposition of its certificate following the withdrawal of its local exchange tariff. As such, the Board allowed Sprint 30 days to show cause why its certificate, Certificate No. 0271, should not be cancelled.

On February 6, 2006, Sprint filed its response to the Board's January 11 order, requesting that the Board allow Sprint's certificate to remain in effect. In support of its request, Sprint states that while it has no definite plans for any specific retail local service in Iowa, Sprint is constantly evaluating opportunities that may lead to future retail voice offerings. Sprint asks that the Board allow it to retain its certificate so it

would have the capability to bring new products to the market. Sprint also asks that if the Board elects to cancel Sprint's certificate, the Board issue Sprint an "Order in Lieu of Certificate" as was issued to Level 3 Communications, LLC (Level 3), on June 20, 2005, in Docket No. TF-05-31. Sprint suggests that such an order would provide Sprint all the rights and privileges of a certificate holder.

On February 13, 2006, Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom), filed a response in opposition to Sprint's request. Iowa Telecom cites to Iowa Code § 476.29(4), which provides that each certificate shall define the service territory in which local telephone service will be provided. Iowa Telecom states that Sprint has no retail local exchange territory and no plans to create such a territory in the future. Iowa Telecom asserts that because Sprint does not have a defined service territory, it cannot be given a certificate under § 476.29. In addition, Iowa Telecom objects to Sprint's alternative request for an order in lieu of a certificate because Sprint does not provide sufficient information regarding the type of service for which it seeks such an alternative order and does not provide the rate center information where such an alternative order would apply.

Generally, the Board's policy with respect to the issuance of certificates has been to either withhold certificates from companies that are not ready to provide local exchange service or to cancel certificates of companies that are not actually providing local exchange service.¹ Since Sprint has recently transferred all of its

¹ See In re: Budget Phone, Inc., et al., "Notice of Cancellation of Certificates and Cancellation of Tariffs," Docket Nos. A-03-3655, et al., issued July 8, 2004.

Iowa local exchange customers to Trinsic Communications, Inc., Sprint is no longer providing local exchange service in Iowa. Sprint has not provided specific information regarding its plans to provide local exchange service in Iowa and, therefore, its certificate will be cancelled. If Sprint elects to provide local exchange service in the future, Sprint may apply for a new certificate.

As an alternative to retaining its certificate, Sprint requests the Board issue an order in lieu of a certificate similar to that issued to Level 3 on June 20, 2005. The Board notes that Sprint's current wholesale business plan is similar to that of Level 3. The Board recognizes that for a telecommunications provider to obtain telephone-numbering resources from the North American Numbering Plan Administrator, the rules of the Federal Communications Commission require that carrier to be authorized to provide service in the state where the carrier seeks numbering resources.² The Board authorizes wireline carriers to provide service by issuing certificates. Upon the cancellation of Sprint's certificate, Sprint's previously obtained numbering resources, which were obtained to provide wholesale telecommunications services, could be in jeopardy. Moreover, the competitive services offered by any other carrier who purchases wholesale service from Sprint would also be in jeopardy. Therefore, the Board will grant Sprint's alternative request and issue this order in lieu of a certificate so as to remain consistent with the General Assembly's intent in Iowa

² See 47 C.F.R. § 52.15(g)(2)(i).

Code § 476.95, which requires that the Board exercise regulatory flexibility in a changing communications environment.

IT IS THEREFORE ORDERED:

The Board will deny Sprint Communications Company L.P.'s request to retain its certificate of public necessity and convenience and will cancel Certificate No. 0271, effective the date of this order, but that cancellation is modified as stated herein to ensure that this order in lieu of a certificate provides Sprint with sufficient rights, privileges, and obligations associated with a certificate of public convenience and necessity issued pursuant to Iowa Code § 476.29 to enable Sprint to provide wholesale services, all subject to complaint, investigation, and any rules the Board may adopt in the future.

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 3rd day of March, 2006.