

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  WESTERN WIRELESS LLC, d/b/a CELLULARONE	DOCKET NO. FCU-06-2 (Iowa Code § 477C.7)
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**ORDER ACCEPTING FILINGS AND CLOSING DOCKET**

(Issued June 27, 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 directed wireless communications providers to make certain filings. Western Wireless LLC, d/b/a CellularOne (CellularOne), filed an initial report identifying company contact information and specific line count information as of May 31, 2005, as required by the Board's June 17, 2005, order. However, the Board's staff noted a discrepancy in the number of lines reported when

compared to information obtained directly from Neustar, Inc. (Neustar), the North American Numbering Plan Administrator, regarding the assigned number resources of wireless carriers in Iowa. Further, CellularOne did not file a report for the quarter ending September 30, 2005, which was due on October 31, 2005. No assessment payment was submitted.

On January 18, 2006, the Board issued an "Order Opening Docket and Giving Notice Pursuant to Iowa Code § 476.51" to review compliance by CellularOne with the June 17, 2005, order. In the January 18, 2006, order, the Board directed CellularOne to remit to the Board by January 31, 2006, a report of the numbers it had in service in Iowa for the months of July, August, and September 2005, along with the regular report for the last quarter of 2005. Additionally, the Board directed CellularOne to submit an assessment payment equal to 3 cents per month per number providing service in Iowa with each of the reports.

CellularOne was also directed to submit to the Board by January 31, 2006, a written explanation of the difference between the assigned number resources on file with Neustar and the line counts submitted to the Board in the June 30, 2005, report. The Board stated that if CellularOne preferred, it could file testimony showing cause why it should not be found in violation of the Board's order of June 17, 2005.

On January 25, 2006, CellularOne filed its response to the Board's January 18, 2006, order. In response to the Board's concern that CellularOne had not filed a quarterly report for the months of July, August, and September 2005, it

stated that on August 1, 2005, Alltel completed its merger with Western Wireless. Alltel filed a quarterly report on October 28, 2005, and made payment on behalf of both entities. Additionally, CellularOne indicated that a slight discrepancy in the numbers reported may be caused by the fact that the June 2005 CellularOne report was made using billing addresses to count assigned numbers, while the October 2005 report was made using the customers' principal place of use in calculating the number of lines served.

The response filed January 25, 2006, by CellularOne raised an additional question which prompted the Board to issue an order requesting clarification of the information provided by CellularOne. In its April 18, 2006, order, the Board directed CellularOne to submit by May 1, 2006, clarification that all phone numbers at a single "principal place of use" are individually included in the line counts being reported.

On May 1, 2006, CellularOne filed its further response to the Board's question clarifying that it "counts each customer telephone number at a PPU [principal place of use] separately, such that reports to the Board for dual party relay service assessments will be inclusive of all 'access lines.'"<sup>1</sup>

The Board is satisfied that CellularOne is now in compliance with the requirements of Iowa Code § 477C.7 and the June 17, 2005, order and will close this docket. The Board has determined that an assessment of civil penalties is

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<sup>1</sup> Further Response of Alltel f/k/a Western Wireless, LLC, filed May 1, 2006, at page 2.

not warranted since CellularOne has complied with the directives in the January 18, 2006, and April 18, 2006, orders.

**IT IS THEREFORE ORDERED:**

1. The compliance filings made by Western Wireless LLC, d/b/a CellularOne, on January 25, 2006, are accepted.
2. The clarification filing made by Western Wireless LLC, d/b/a CellularOne, on May 1, 2006, is accepted.
3. Docket No. FCU-06-2 is closed.

**UTILITIES BOARD**

/s/ John R. Norris

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 27<sup>th</sup> day of June, 2006.