

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

<p>IN RE:</p> <p>BROOKINGS MUNICIPAL UTILITIES, d/b/a SWIFTEL COMMUNICATIONS</p>	<p>DOCKET NO. FCU-06-5 (Iowa Code § 477C.7)</p>
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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. Brookings Municipal Utilities, d/b/a Swiftel Communications (Swiftel), filed a report for the quarter ending September 30, 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 the information obtained directly from

Neustar, Inc. (Neustar), the North American Numbering Plan Administrator, regarding the assigned number resources of wireless carriers in Iowa.

On January 18, 2006, the Board issued an "Order Opening Docket and Giving Notice Pursuant to Iowa Code § 476.51" to review compliance by Swiftel with the June 17, 2005, order. In the January 18, 2006, order, the Board directed Swiftel to submit a written explanation detailing the difference between the assigned number resources on file with Neustar and the line counts submitted to the Board in the October 31, 2005, report. In addition, any additional assessment payments due because of the discrepancy were to be remitted with the explanation.

On February 6, 2006,<sup>1</sup> Swiftel filed its written explanation of the difference between the assigned number resources on file with Neustar and the line counts submitted to the Board. According to Swiftel, the numbers provided by Neustar included all Swiftel customers and all Mobile Virtual Network Operator (MVNO) customers with an NPA-NXX of 712-204, regardless of where those customers live. Additionally, the MVNO's served by the NPA-NXX of 712-204 include customers served by Qwest Wireless, Virgin Mobil, and STI Mobile. Swiftel based its reporting to the Board on customer billing address data generated by its billing system to count assigned numbers.

The response filed February 6, 2006, by Swiftel raised an additional question which prompted the Board to issue an order requesting clarification of the information

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<sup>1</sup> The Board issued an order granting an extension of time to respond to its request on January 31, 2006.

provided. In its April 18, 2006, order, the Board directed Swiftel to submit by May 1, 2006, clarification that all phone numbers at a single billing address are individually included in the line counts being reported.

On May 1, 2006, Swiftel filed its statement of clarification indicating that it separately counts multiple phone numbers billed at the same billing address.<sup>2</sup> Swiftel states that each phone number at each billing address in Iowa, even where multiple numbers exist at one address, is included in the number of retail lines currently in use in Iowa when reported for purposes of dual party relay assessments. Swiftel provided the affidavit of Laura Julius, Director Finance, Brookings Municipal Utilities, d/b/a Swiftel Communications, to support its statement of clarification.

The Board is satisfied that Swiftel is now in compliance with the requirements of Iowa Code § 477C.7 and the June 15, 2005, order and will close this docket. The Board has determined that an assessment of civil penalties is not warranted since Swiftel has complied with the directives in the January 18, 2006, and April 18, 2006, orders.

**IT IS THEREFORE ORDERED:**

1. The compliance filing made by Brookings Municipal Utilities, d/b/a Swiftel Communications, on February 6, 2006, is accepted.
2. The clarification filing made by Brookings Municipal Utilities, d/b/a Swiftel Communications, on May 1, 2006, is accepted.

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<sup>2</sup> "Statement of Clarification of Information provided to Iowa Utilities Board," filed May 1, 2006, at page 1.

3. Docket No. FCU-06-5 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.