

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: 360NETWORKS (USA) INC.	DOCKET NO. TF-06-137
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ORDER REJECTING TARIFF

(Issued June 27, 2006)

On May 16, 2006, 360networks (USA) inc. (360networks), filed with the Utilities Board (Board) an access services tariff. Notice of the access tariff was served on all interexchange utilities registered with the Board pursuant to 199 IAC 22.14(4).

Through conversations with 360networks, Board staff learned that 360networks proposes to tariff only a wholesale interconnection between itself and enhanced service providers (ESPs), such as cable providers, that may also be providers of Voice-over Internet Protocol (VoIP). Based on the limited information available in this record, it appears 360networks does not intend to provide retail local exchange service directly to end-use customers. The company informs staff that it filed this access tariff for the purpose of assessing access charges for incidental traffic terminating calls on its network.

360networks has not filed a proposed local exchange service tariff. It is not clear to the Board how 360networks can expect to assess access charges without offering local exchange service. "Intrastate access services" are defined in the

Board's rules as services which provide the capability to deliver interexchange calls to and from end-users, see 199 IAC 22.1(3). Without end-user customers, it would seem that 360networks cannot provide intrastate access services. In the absence of a reasonable explanation of how 360networks expects to use this proposed tariff, the Board will reject it. If 360networks believes it has a reasonable and legal basis for this proposed tariff, it may re-file the tariff along with an explanation of the basis for it.

IT IS THEREFORE ORDERED:

The proposed access tariff filed by 360networks (USA) inc., on May 16, 2006, identified as TF-06-137, is rejected without prejudice as described in this order.

UTILITIES BOARD

/s/ John R. Norris

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 27th day of June, 2006.