

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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IN RE:  HARDIN COUNTY WIRELESS	DOCKET NO. 199 IAC 39.2(4)
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**ORDER DESIGNATING ELIGIBLE CARRIER**

(Issued July 18, 2006)

On June 5, 2006, Hardin County Wireless filed with the Utilities Board (Board) an application for universal service eligible carrier status in Iowa. Hardin County Wireless requests that the Board designate it as an eligible telecommunications carrier (ETC) pursuant to 199 IAC 39.2(4) in the identified areas shown in Exhibits A and B attached to this order.

Board rule 39.2 provides a means by which the Board can designate Iowa telecommunications companies to be eligible to receive funding from the universal service fund, as defined by the Telecommunications Act of 1996, 47 U.S.C. § 254. Under the Act (and FCC regulations implementing the Act), the Board must determine that a carrier meets the following service requirements before it may be designated an eligible carrier as set forth in subrule 39.2(4). The carrier must:

- 1) Offer the services supported by the federal universal service fund;

- 2) Offer the services using its own facilities or a combination of its own facilities and resale (47 C.F.R. § 54.201(c) provides that “own facilities” includes purchased unbundled network elements);
- 3) Advertise the availability of the supported services; and
- 4) Offer the services throughout the designated service area.

An ETC must also offer a minimum amount of local exchange service, defined in usage minutes, provided with no additional charge to customers. See FCC 98-272, October 26, 1998. See also 199 IAC 39.2(1)"b." The FCC has not yet quantified a minimum amount of local usage required to be included in a universal service offering, but has initiated a separate rule making proceeding to address this issue. Id. Any minimum local usage requirements established by the FCC as a result of that rule making would be applicable to all designated ETCs. The Board understands that Hardin County Wireless will comply with any and all minimum local usage requirements adopted by the FCC. The Board also understands that until the FCC establishes a minimum requirement, Hardin County Wireless will offer at least one universal service offering with unlimited local calling.

In its request for designation, Hardin County Wireless states that it satisfies each of these named requirements. Based upon these unopposed representations and the company’s commitment to follow the minimum local usage requirements when adopted by the FCC, the Board finds that Hardin County Wireless offers the

services supported by the federal universal service fund, using its own facilities or a combination of its own facilities and resale of the facilities of another carrier.

Hardin County Wireless states that it is licensed by the FCC to serve the areas of ISA 21, 22, and 98 in Iowa and that it intends to provide universal service fund-supported services throughout its licensed service areas. The Board finds that this assertion by Hardin County Wireless satisfies 199 IAC 39.2(5).

Hardin County Wireless also states it will provide to the Board, for informational purposes, a description of the service and rate plan(s) when it commences providing universal service fund offerings to Iowa customers. The Board finds these commitments by Hardin County Wireless adequate to assure that public interest concerns will be satisfied.

The Board also notes that pursuant to a federal mandate, Hardin County Wireless is required to file a certification regarding its use of universal service funds with the Board. This filing must be made pursuant to 199 IAC 22.2(7).

**IT IS THEREFORE ORDERED:**

1. Eligible telecommunications carrier status is granted to Hardin County Wireless as requested in its application filed June 5, 2006, subject to the voluntary commitments described in the body of this order.

2. The designated service area for Hardin County Wireless shall be the area in Iowa where Hardin County Wireless is licensed by the Federal Communications Commission to provide service.

3. The Executive Secretary of the Utilities Board shall mail copies of this order to Hardin County Wireless, the Universal Service Administration Company, the Federal Communications Commission Universal Service Branch, and the Federal Communications Commission Office of the Secretary.

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper \_\_\_\_\_  
Executive Secretary

Dated at Des Moines, Iowa, this 18<sup>th</sup> day of July, 2006.