

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: QWEST CORPORATION	DOCKET NO. WRU-06-24-272
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ORDER GRANTING WAIVER

(Issued October 31, 2006)

On October 17, 2006, Qwest Corporation (Qwest) filed with the Utilities Board (Board) an "Application for Expedited Issuance of Waiver," asking the Board to waive 199 IAC 32 in connection with an out-of-state sale and transfer of assets. Qwest has reached preliminary agreement to sell certain land, buildings, improvements, and other property in Denver, Colorado. The property is used for general administrative office space, with no central office or other network facilities, so sale of the property will have no effect on the delivery of telecommunications services to Qwest's customers, according to Qwest. Qwest asks that the Board issue the requested waiver as soon as possible.

No answers, objections, or other pleadings have been filed in response to the application.

Iowa Code §§ 476.76 and 476.77 provide that a public utility¹ may not sell a substantial part of its assets if the Board disapproves. Accordingly, Qwest would normally be required to file a proposal for sale with the Board at least 90 days prior to closing the sale. However, the Board may waive the requirements of §§ 476.76 and 476.77 if the Board finds that its review is not necessary in the public interest, pursuant to § 476.77(4).

The Board has adopted rules to implement these statutes, see 199 IAC 32. Those Board rules may be waived, as well, if review of the proposed transaction is "not necessary or in the public interest."

In its application, Qwest asserts that waivers are appropriate in these circumstances, which involve a transfer of assets located outside the state of Iowa. Iowa customers will not see any change in their day-to-day telecommunications services as a result of the sale. Further, the transaction represents only a small fraction (less than 0.7 percent) of Qwest's total assets, based on net book value. Under these circumstances, Qwest submits, review of the proposed transaction is not necessary or in the public interest.

The Board agrees and will grant the requested waiver.

¹ For purposes of these statutes, "public utility" is defined in § 476.72(4) in a manner that includes Qwest.

IT IS THEREFORE ORDERED:

The "Application for Expedited Issuance of Waiver" filed by Qwest Corporation on October 17, 2006, is granted.

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 31st day of October, 2006.