STATE OF IOWA

DEPARTMENT OF COMMERCE

UTILITIES BOARD

IN RE: BERNARD COMMUNICATIONS, INC.	DOCKET NO. 199 IAC 39.2(4)

ORDER DESIGNATING ELIGIBLE CARRIER

(Issued November 20, 2006)

On June 27, 2006, Bernard Communications, Inc. (Bernard), filed with the Utilities Board (Board) an application for universal service eligible carrier status in Iowa. Bernard filed a supplement to its application on October 19, 2006. Bernard requests 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 Federal Communications Commission (FCC) regulation 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):

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 CFR § 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 In re: Federal-State Joint Board on Universal Service, "First Report and Order," CC Docket No. 96-45, March 17, 2005. See also 199 IAC 39.2(1)"b." However, the FCC has not quantified a minimum amount of local usage required to be included in a universal service offering. Id., at ¶ 33. The Board understands that Bernard 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, Bernard will offer at least one universal service fund offering with unlimited local calling.

In its request for designation, as supplemented, Bernard 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 Bernard 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.

Bernard states that it is licensed by the FCC to serve the area of ISA 53 in Iowa as identified in Exhibits A and B attached to this order and that it intends to provide universal service fund-supported services throughout its licensed service areas. The Board finds that this assertion by Bernard satisfies 199 IAC 39.2(5).

Bernard also states that 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 Bernard adequate to assure that public interest concerns will be satisfied.

The Board also notes that it has recently adopted amendments to the certification and reporting requirements for ETCs. Bernard is required to file a certification regarding its use of universal service funds with the Board in addition to various reports. The certification and reports must be made pursuant to 199 IAC 39 as described in Docket No. RMU-06-1, In re: Eligibility, Certification, and Reporting Requirements for Eligible Telecommunications Carriers [199 IAC 39].

IT IS THEREFORE ORDERED:

1. Eligible telecommunications carrier status is granted to Bernard Communications, Inc., as requested in its application filed June 26, 2006, and amended on October 19, 2006, subject to the voluntary commitments described in the body of this order.

2. The designated service area for Bernard Communications, Inc., shall be the area in Iowa where Bernard Communications, Inc., 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 Bernard Communications, Inc., 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

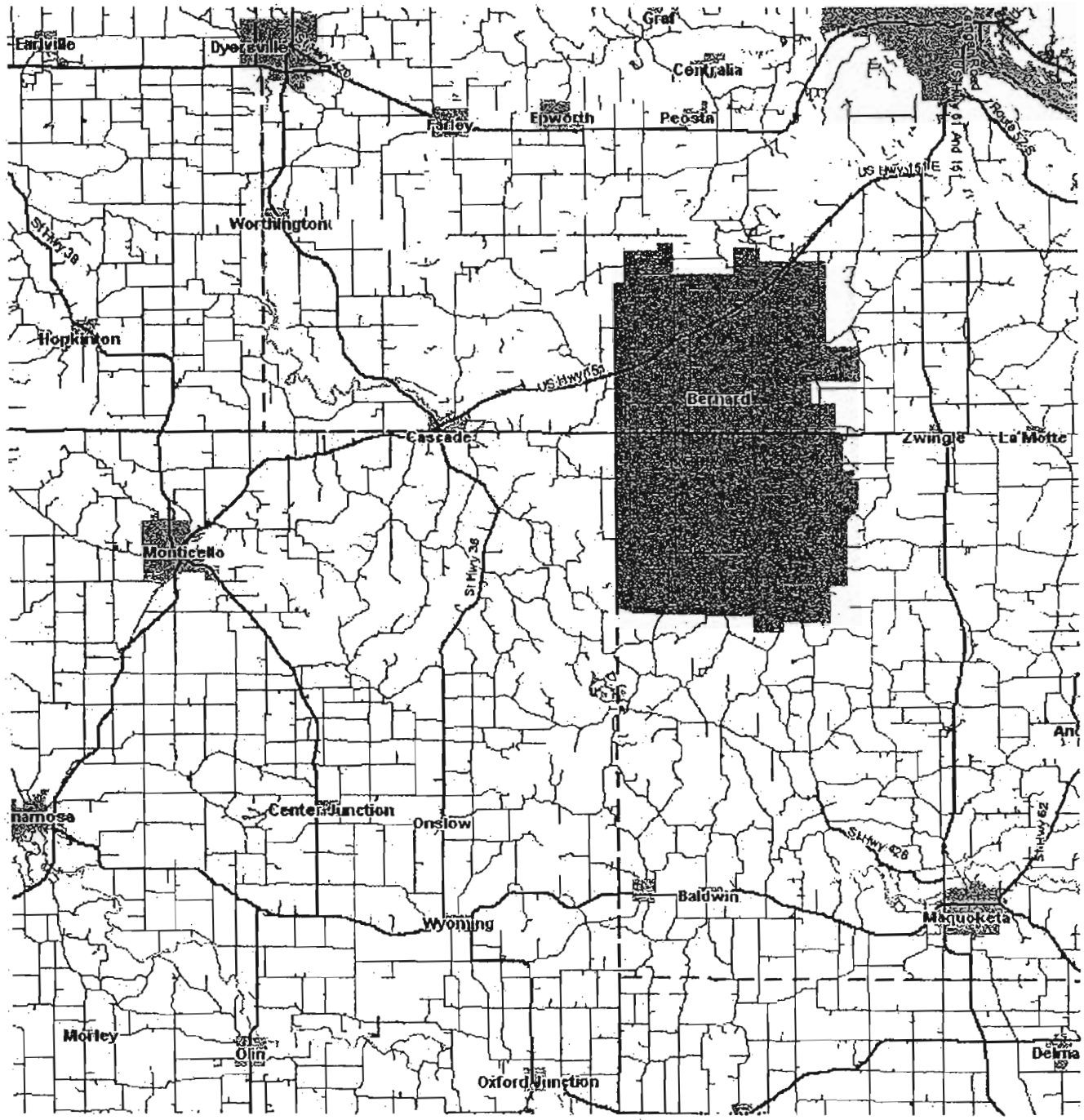
/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 20th day of November, 2006.

EXHIBIT A

i wireless

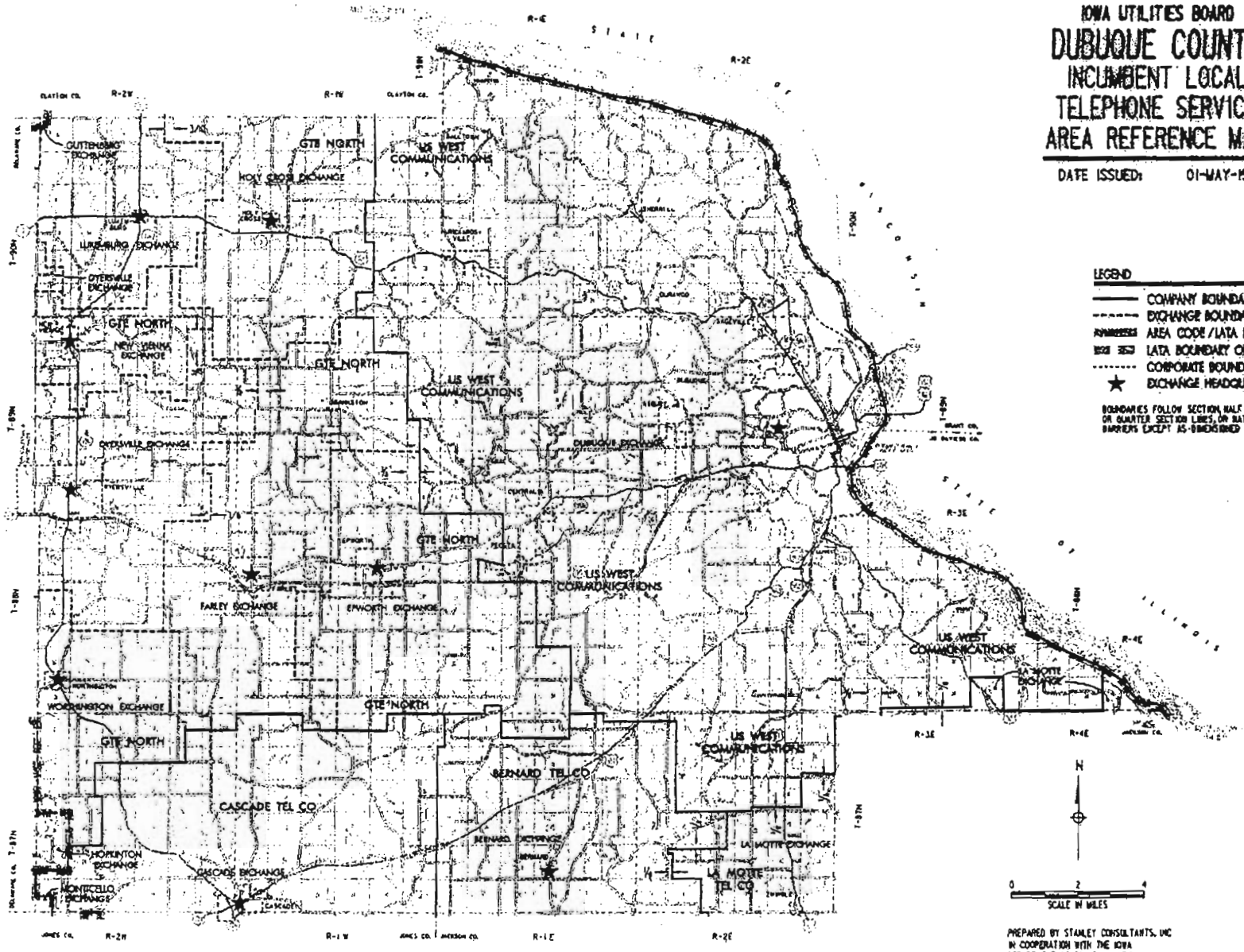
MVS_Number: 9
ISA_Name: ISA 53
Entity_Name: Bernard Communications, Inc.
Call_Sign: WPOL771
Total_POP: 1,295
Subst_Service: 324



IOWA UTILITIES BOARD

DUBUQUE COUNTY INCUMBENT LOCAL TELEPHONE SERVICE AREA REFERENCE MAP

DATE ISSUED: 01-MAY-1999



PREPARED BY STANLEY CONSULTANTS, INC IN COOPERATION WITH THE IOWA DEPARTMENT OF TRANSPORTATION

EXHIBIT B

IOWA UTILITIES BOARD

JACKSON COUNTY INCUMBENT LOCAL TELEPHONE SERVICE AREA REFERENCE MAP

DATE ISSUED: 01-MAY-1999

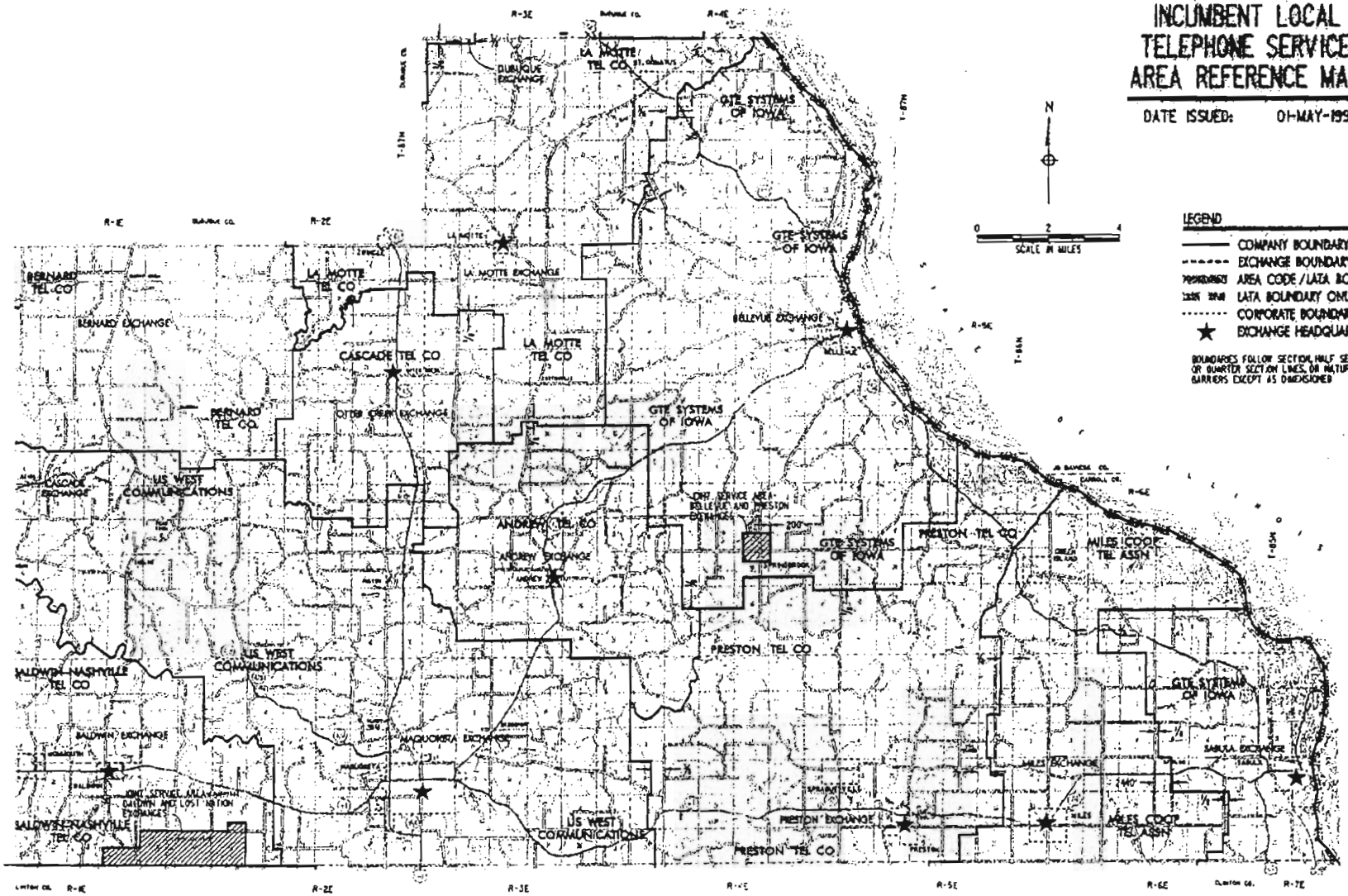


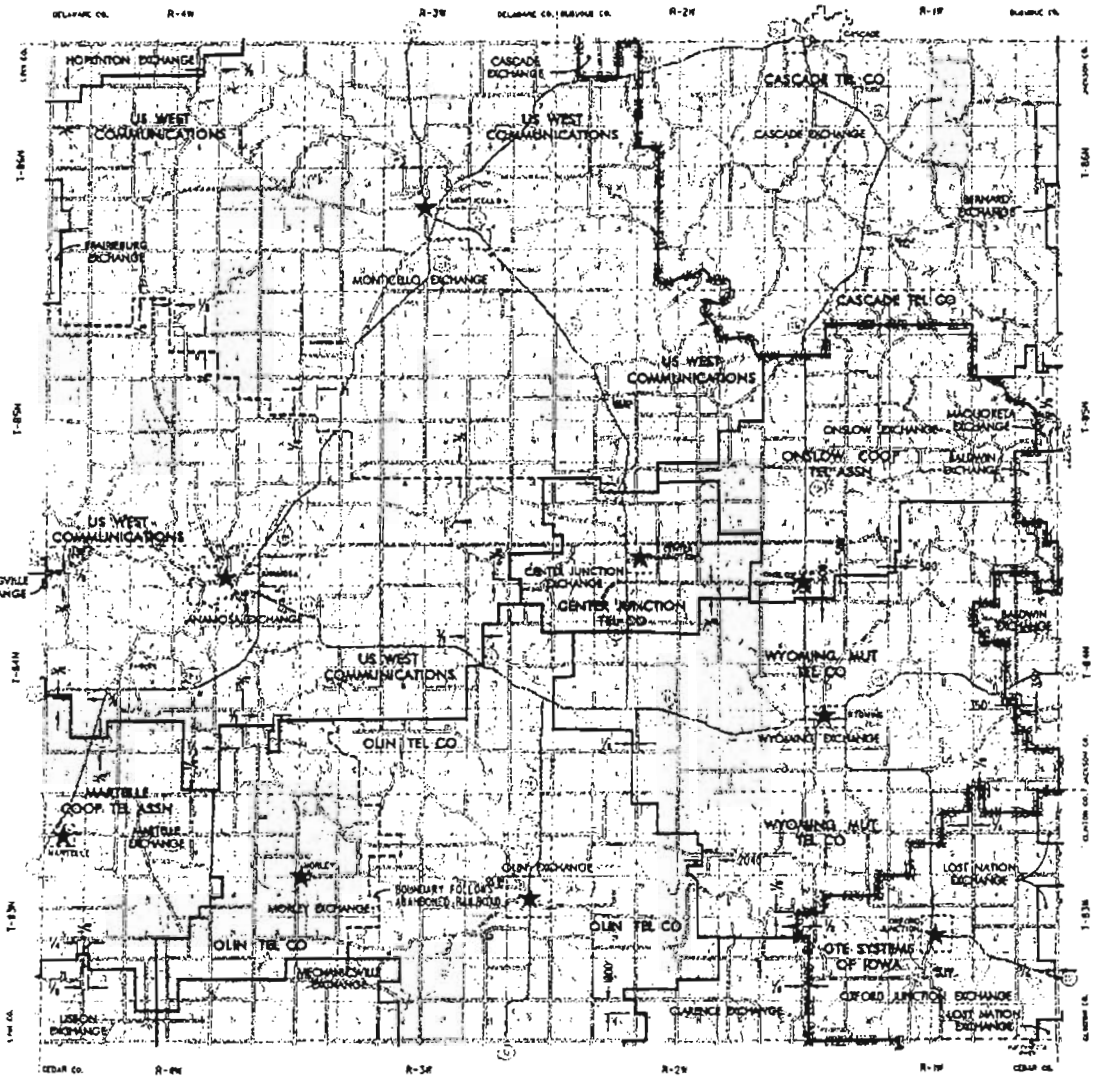
EXHIBIT B

PREPARED BY STANLEY CONSULTANTS, INC
IN COOPERATION WITH THE IOWA
DEPARTMENT OF TRANSPORTATION

IOWA UTILITIES BOARD

JONES COUNTY INCUMBENT LOCAL TELEPHONE SERVICE AREA REFERENCE MAP

DATE ISSUED: 01-MAY-1999



LEGEND

- COMPANY BOUNDARY
- EXCHANGE BOUNDARY
- AREA CODE/LATA BOUNDARY
- LATA BOUNDARY ONLY
- CORPORATE BOUNDARY
- ★ EXCHANGE HEADQUARTERS

BOUNDARIES FOLLOW SECTION, HALF SECTION, OR QUARTER SECTION LINES, OR NATURAL BARRIERS EXCEPT AS DIMENSIONED

PREPARED BY STANLEY CONSULT IN COOPERATION WITH THE IOWA DEPARTMENT OF TRANSPORTATIO

EXHIBIT B