

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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IN RE:  REASNOR TELEPHONE COMPANY, LLC	DOCKET NO. 199 IAC 39.2
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**ORDER DENYING REQUEST FOR RECONSIDERATION**

(Issued June 15, 2007)

On April 27, 2007, the Utilities Board (Board) issued an order in Docket No. 199 IAC 39.2, In re: Reasnor Telephone Company, LLC, "Order Granting Petitions to Intervene and Designating Eligible Carrier." The order granted intervenor status to Qwest Corporation (Qwest) and AT&T Communications of the Midwest, Inc. (AT&T), as requested, and granted eligible telecommunications carrier (ETC) status to Reasnor Telephone Company, LLC (Reasnor), as requested on March 21, 2007, and amended on March 27, 2007. The order also stated that the designation shall be retroactive, for Board purposes, to September 2, 2004.

On May 17, 2007, AT&T filed with the Board an application for reconsideration of the Board's April 27, 2007, order. In support of its application, AT&T states Reasnor has not and cannot demonstrate that granting ETC status to Reasnor is consistent with the public interest, convenience, and necessity as required by 47 U.S.C. § 214(e)"2" and 199 IAC 39.2(3)"k." AT&T suggests that Reasnor's other revenue sources, including the access charge revenues that Qwest has challenged in Docket No. FCU-07-2, Qwest Corp. v. Superior Telephone, et al, affect the public interest to such a degree that Reasnor's ETC designation should be reconsidered. In

addition, AT&T states that the Federal Communications Commission (FCC) recommends a consideration of the impact of the ETC designation on the universal service fund when determining whether to grant a carrier ETC status.<sup>1</sup> AT&T asserts that the Board sidestepped these issues in its April 27, 2007, order when it determined that these issues are best addressed in Docket No. FCU-07-2 regarding Qwest's complaint against Reasnor.

On May 31, 2007, Reasnor filed a response to AT&T's request for reconsideration. In its response Reasnor states that the standards set forth in 47 U.S.C. § 214 and 199 IAC 39.2 regarding the designation of ETC status have nothing to do with access charges or the retail rates charged by Reasnor. In addition, Reasnor states that AT&T does not provide any legitimate reasons for the Board to reconsider its April 27, 2007, order and that the issues AT&T raises regarding the access charges billed by Reasnor are currently the subject of litigation before the U.S. District Court for the Southern District of Iowa in In re: AT&T Corp. v. Reasnor Telephone Company, LLC, Docket No. 4:07-cv-00017. Reasnor also states that the FCC has considered the impact of designating Reasnor as an ETC and has found that the universal service fund would not be adversely affected.

On June 8, 2007, AT&T filed a reply to Reasnor's response to its request for reconsideration wherein AT&T reiterated similar arguments to those raised in its initial request.

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<sup>1</sup> See "Application for Reconsideration," p. 3, filed by AT&T on May 17, 2007, citing In Re: Federal-State Joint Board on Universal Service, 20 FCC Rcd 6371, ¶ 18 (2005).

The Board will deny AT&T's request for reconsideration. The Board determined in its April 27, 2007, order, that Reasnor offers the services supported by the federal universal service fund and that Reasnor advertises and offers the services throughout its designated service territory as required by 199 IAC 39.2 and 47 U.S.C. § 254. As part of the April 27, 2007, order, the Board addressed the public interest issues relating to Reasnor's access charge revenues, which were raised by AT&T and Qwest as intervenors. The Board stated that the issues relating to Reasnor's access charge revenues raised by AT&T and Qwest are best addressed in Docket No. FCU-07-2, which specifically addresses the legality and appropriateness of Reasnor's intrastate access charge revenues associated with certain services. AT&T has not offered any other relevant grounds for reconsidering Reasnor's application. In the absence of such grounds, the Board finds no reason to reconsider its previous ruling. Therefore, the Board will deny AT&T's request for reconsideration.

**IT IS THEREFORE ORDERED:**

The "Application for Reconsideration" filed by AT&T Communications of the Midwest, Inc., on May 17, 2007, is denied.

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Curtis W. Stamp

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Krista K. Tanner

Dated at Des Moines, Iowa, this 15<sup>th</sup> day of June, 2007.