

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: HEART OF IOWA COMMUNICATIONS COOPERATIVE	DOCKET NO. SPU-07-19
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**ORDER DOCKETING FOR FURTHER REVIEW, DENYING REQUEST FOR
IMMEDIATE DISCONNECTION, DENYING MOTION TO DISMISS, AND
REQUESTING MORE DEFINITIVE STATEMENT**

(Issued October 12, 2007)

On September 12, 2007, Heart of Iowa Communications Cooperative (Heart of Iowa) filed with the Utilities Board (Board) a request for approval to allow Heart of Iowa to immediately disconnect access service to Global Crossing Telecommunications, Inc. (Global Crossing). In support of its request, Heart of Iowa states that Global Crossing has not paid intrastate access charges for March, April, May, and June 2007, in violation of Heart of Iowa's access tariff. Heart of Iowa also states that it sent a notice of noncompliance to Global Crossing on July 5, 2007, and that Global Crossing has not paid the intrastate access charges. Heart of Iowa asserts that the current amount due for intrastate access by Global Crossing is \$10,917.64. Heart of Iowa requests that the Board allow it to disconnect service to Global Crossing pursuant to Iowa Code § 476.20 and 199 IAC 22.14 - 22.16.

On October 2, 2007, Global Crossing filed a response and a motion to dismiss Heart of Iowa's request, as well as a request for a more definite and detailed

statement. In support of its motion, Global Crossing states that disconnection of Global Crossing by Heart of Iowa would involve disconnection of interstate access service as well as intrastate access service. Global Crossing asserts that the Board lacks the jurisdiction to authorize the disconnection of interstate access, which, according to Global Crossing, is within the exclusive jurisdiction of the Federal Communications Commission (FCC). Global Crossing also claims that Heart of Iowa's request fails to demonstrate that its request to discontinue access service to Global Crossing does not involve the disconnection of interstate access service.

The Board will docket Heart of Iowa's request for further investigation and deny Global Crossing's motion to dismiss. The Board agrees with Global Crossing that Heart of Iowa's request is unclear regarding whether the proposed disconnection of access service to Global Crossing includes interstate access as well as intrastate access. However, the Board also finds that Heart of Iowa's request raises issues that merit further investigation. Therefore, the Board will require Heart of Iowa to supplement its request with a more detailed statement of its proposed disconnection of service to Global Crossing. The Board will determine what additional proceedings, if any, are necessary after it reviews the supplemental filing.

The Board notes that Heart of Iowa requests immediate disconnection of access service to Global Crossing. The Board has previously held that absent unique circumstances, economic disputes between carriers do not rise to the level of an immediate danger to public health, safety, and welfare, so long as no party is

threatening to block emergency calls as a response to the economic dispute. The Board finds that Heart of Iowa's request does not demonstrate unique circumstances that would justify an immediate disconnection of access service to Global Crossing. Therefore, the Board will deny Heart of Iowa's request for immediate disconnection.

IT IS THEREFORE ORDERED:

1. The request for disconnection filed by Heart of Iowa Communications Cooperative on September 12, 2007, is docketed for further investigation as described in this order. Heart of Iowa Communications Cooperative's request for immediate disconnection is denied.
2. The motion to dismiss filed by Global Crossing Telecommunications, Inc., on October 2, 2007, is denied.
3. Heart of Iowa Communications Cooperative is directed to supplement its request with a more definitive and detailed statement, as described in this order, on or before November 2, 2007.

UTILITIES BOARD

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 12th day of October, 2007.