

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: AERO COMMUNICATIONS, LLC	DOCKET NOS. TCU-07-4 WRU-07-18-3890
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**ORDER GRANTING APPLICATION, APPROVING CONCURRENCE IN MAPS,
AND DENYING WAIVER AS UNNECESSARY**

(Issued November 30, 2007)

On July 23, 2007, Aero Communications, LLC (Aero), filed an application with the Utilities Board (Board) for issuance of a certificate of public convenience and necessity pursuant to Iowa Code § 476.29, stating its intention to provide local exchange service in Iowa. The application has been identified as Docket No. TCU-07-4. Aero has served notice to all affected parties, provided financial statements and the qualifications of its company offers, and has stated it will support a 2-PIC dialing methodology for dialing parity. No objections to the application were received.

Iowa Code § 476.29(2) provides that a local exchange carrier shall not be denied a certificate if the Board finds that the applicant "possess the technical, financial, and managerial ability to provide the service it proposes to render and the board finds the service is consistent with the public interest."

The Board has reviewed Aero's application and finds the necessary technical, financial, and managerial ability to provide local exchange service has been

demonstrated. Aero also filed a statement indicating that it commits to utilizing thousands-block number pooling (TBNP), even in areas where TBNP is voluntary, to the extent it is technically feasible to do so.

Aero also states that its service area will mirror the exchanges and service area maps of Qwest Corporation (Qwest) and Frontier Communications of Iowa, Inc. (Frontier), as they are currently filed and as they may be modified in the future. Iowa Code § 476.29(4) requires that each certificate define the service territory in which landline local telephone service will be provided and authorizes the Board to promulgate rules establishing the requirements for filing maps showing the service territory. Subrule 199 IAC 22.20(3) requires that all utilities have maps on file with the Board that show exchange boundaries. The Board finds that Aero has complied with the statutory and rule requirements by concurring in the exchange maps of Qwest and Frontier.

Aero requests the Board waive the requirements of 199 IAC 16.5(2), 18.2, and 22.3(1). The waiver request has been identified as Docket No. WRU-07-18-3890.

Aero seeks a waiver of 199 IAC 16.5(2). Board rule 16.5 was recently amended, which resulted in the elimination of subrule 16.5(2). Board rule 16.5 now requires that local exchange utilities keep accounts consistent with generally accepted accounting principles (GAAP). Aero states that it will maintain its records in accordance with GAAP. Aero's statement appears to be in substantial compliance with the Board's rule so a waiver of 16.5(2) is not necessary.

Aero also seeks a waiver of 199 IAC 18.2, which requires books and records to be kept in Iowa, unless authorized by the Board. Aero asks to keep its books and records in the state of Kentucky, but states that it will make such information available to the Board upon request. The Board will authorize Aero to keep its books and records in Kentucky based on its assurance that those records will be available for Board inspection upon request. Therefore, a waiver of subrule 18.2 is not necessary.

Aero also seeks a waiver of 199 IAC 22.3(1) regarding the publication of directories. Board rule 22.3(1) was recently amended to allow local exchange carriers to choose not to publish a directory if arrangements are made for publication in a commonly available publication. Aero states that it will make arrangements with the incumbent local exchange carriers for the publication of Aero's customers in the incumbents' directories. Aero's statement appears to be in substantial compliance with the Board's rule so a waiver of subrule 22.3(1) is not necessary.

IT IS THEREFORE ORDERED:

1. The application for a certificate of public convenience and necessity filed by Aero Communications, LLC, on July 23, 2007, is granted.
2. The concurrence in the maps and boundaries of the exchanges of Qwest Corporation and Frontier Communications of Iowa, Inc, is approved.
3. The request for waiver of 199 IAC 16.5(2), 18.2, and 22.3(1), identified as Docket No. WRU-07-18-3890, is denied because it is moot.

4. The Board will issue a certificate of public convenience and necessity allowing Aero Communications, Inc., to provide local exchange service upon approval of a tariff reflecting the terms, and conditions of its local exchange service in Iowa.

UTILITIES BOARD

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 30th day of November, 2007.