

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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IN RE:  UNITE PRIVATE NETWORKS, LLC	DOCKET NOS. TCU-07-11 WRU-07-40-3896
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**ORDER APPROVING APPLICATION, APPROVING CONCURRENCE IN MAPS,  
REQUIRING FILING, AND DENYING WAIVER AS UNNECESSARY**

(Issued January 10, 2008)

On December 5, 2007, Unite Private Networks, LLC (Unite), 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 the exchanges currently served by Qwest Corporation (Qwest). The application has been identified as Docket No. TCU-07-11. Unite has provided financial statements and the qualifications of its company officers 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 "possesses 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 Unite's application and finds the necessary technical, financial, and managerial ability to provide local exchange service has been

demonstrated. Unite does not indicate how it will utilize telephone-numbering resources when providing local exchange service. Because telephone numbers are not an unlimited resource, if the incumbent local exchange carrier has implemented thousands-block number pooling (TBNP) in exchanges served by Unite, then Unite must commit to utilize thousands-blocks of telephone numbers as opposed to ten-thousand blocks of numbers (commonly referred to as an "NXX"), even in those areas where TBNP is voluntary, whenever it is technically feasible. The Board will approve Unite's application at this time provided that Unite files a statement within 30 days of the date of this order agreeing to participate in TBNP wherever technically feasible.

Unite also states that its service area will mirror Qwest's exchanges and service area maps as they are currently filed and 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 Unite has complied with the statutory and rule requirements by concurring in Qwest's exchange maps.

Unite 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-07-40-3896.

Unite seeks a waiver of 199 IAC 16.5(2). Board rule 16.5 was amended in 2006<sup>1</sup>, 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). Unite states that it will maintain its records in accordance with GAAP. Unite's statement appears to be in substantial compliance with the Board's rule so a waiver of 16.5(2) is not necessary.

Unite also seeks a waiver of 199 IAC 18.2, which requires books and records to be kept in Iowa, unless otherwise authorized by the Board. Unite asks to keep its books and records in the state of Missouri, its principal place of business, but states that it will make such information available to the Board upon request. The Board will authorize Unite to keep its books and records in Missouri 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.

Unite 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. Unite states that it will make arrangements with the incumbent local exchange carriers for the publication of Unite's customers in the incumbents' directories. Unite's statement appears to be in substantial compliance with the Board's rule so a waiver of subrule 22.3(1) is not necessary.

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<sup>1</sup> See In re: Accounting Rules For Local Exchange Utilities, "Order Adopting Amendments," Docket No. RMU-06-3, (issued July 26, 2006).

**IT IS THEREFORE ORDERED:**

1. The application for a certificate of public convenience and necessity filed by Unite Private Networks, LLC, is approved.
2. The concurrence in the maps and boundaries of the exchanges of Qwest Corporation is approved.
3. The waiver of 199 IAC 16.5(2), 18.2, and 22.3(1), identified as Docket No. WRU-07-40-3896, is denied because it is moot.
4. Within 30 days of the date of this order, Unite Private Networks, LLC, shall file with the Board a statement agreeing to participate in thousands-block number pooling where technically feasible.
5. The Board will issue a certificate of public convenience and necessity allowing Unite Private Networks, LLC, to provide local exchange service upon approval of tariffs 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 10<sup>th</sup> day of January, 2008.