

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: BANDWIDTH.COM CLEC, LLC	DOCKET NOS. TCU-07-10 WRU-07-36-3894
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**ORDER APPROVING APPLICATION, APPROVING CONCURRENCE IN MAPS,
AND DENYING WAIVER AS UNNECESSARY**

(Issued January 14, 2008)

On October 29, 2007, Bandwidth.com CLEC, LLC (Bandwidth), 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-07-10. Bandwidth 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 Bandwidth's application and finds the necessary technical, financial, and managerial ability to provide local exchange service has been demonstrated. Bandwidth has also filed a statement indicating that it will

commit to utilizing thousand-block number pooling (TBNP), even in areas where TBNP is voluntary, to the extent it is technically feasible to do so.

Bandwidth also states that its service area will mirror the exchanges and service area maps of the incumbent local exchange carriers 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 Bandwidth has complied with the statutory and rule requirements by concurring in the incumbent carrier's exchange maps.

Also on October 29, 2007, Bandwidth filed a request for waiver of the requirements of 199 IAC 16.5(2) and 22.3(1). The waiver request has been identified as Docket No. WRU-07-36-3894.

Bandwidth seeks a waiver of 199 IAC 16.5(2). Board rule 16.5 was amended in 2006, which resulted in the elimination of subrule 16.5(2).¹ Board rule 16.5 now requires that local exchange utilities keep accounts consistent with generally accepted accounting principles (GAAP). Bandwidth states that it will maintain its records in accordance with GAAP. Bandwidth's statement appears to be in substantial compliance with the Board's rule so a waiver of 16.5(2) is not necessary.

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

Bandwidth also seeks a waiver of 199 IAC 22.3(1) regarding the publication of directories. Board rule 22.3(1) was amended in 2006 to allow local exchange carriers to choose not to publish a directory if arrangements are made for publication in a commonly available publication. Bandwidth states that it will make arrangements with the incumbent local exchange carriers for the publication of Bandwidth customers in the incumbents' directories. Bandwidth's statement appears to be in substantial compliance with the Board's rules 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 Bandwidth.com CLEC, LLC, on October 29, 2007, identified as Docket No. TCU-07-9, is granted.
2. The concurrence in the maps and boundaries of the exchanges of all incumbent local exchange carriers is approved.
3. The request for waiver of 199 IAC 16.5(2) and 22.3(1), identified as Docket No. WRU-07-36-3894, is denied because it is moot.

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 14th day of January, 2008.