

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 DISMISSING COMPLAINT AND CLOSING DOCKET

(Issued February 18, 2008)

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 stated that Global Crossing had 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 stated that it sent a notice of noncompliance to Global Crossing on July 5, 2007, and that Global Crossing had not paid the intrastate access charges. Heart of Iowa asserted that the amount due for intrastate access by Global Crossing as of that time was \$10,917.64. Heart of Iowa requested 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 stated that disconnection of Global Crossing by Heart of Iowa would involve disconnection of interstate access service as well as intrastate access service. Global Crossing asserted 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 claimed that Heart of Iowa's request failed to demonstrate that its request to discontinue access service to Global Crossing did not involve the disconnection of interstate access service.

On October 12, 2007, Heart of Iowa filed a response to Global Crossing's motion to dismiss the request and a notice of intent to discontinue service to Global Crossing. Heart of Iowa also included a statement clarifying that it only sought to disconnect intrastate access service.

Also on October 12, 2007, the Board issued an order denying Heart of Iowa's request for immediate disconnection of service to Global Crossing, but docketing Heart of Iowa's request for further review. The Board's October 12 order also denied Global Crossing's motion to dismiss Heart of Iowa's request and directed Heart of Iowa to file a more definitive statement regarding the services that it intended to disconnect.¹

¹ The Board notes that Heart of Iowa's "Response and Resistance to Motion for Dismissal and Motion to Amend Pleading" filed on October 12, 2007, satisfied the Board's request for a more definitive statement.

On November 13, 2007, Global Crossing filed a notice of intent to answer Heart of Iowa's request and on November 26, 2007, Global Crossing filed its answer to the allegations raised in Heart of Iowa's request.

On December 26, 2007, Heart of Iowa filed a motion to strike the affirmative defense asserted by Global Crossing whereby Global Crossing intended to seek a refund due to alleged overcharges. Also as part of its December 26 motion, Heart of Iowa requested a more definitive statement regarding allegations raised in Global Crossing's November 26, 2007, answer.

On January 7, 2008, Global Crossing filed a resistance to Heart of Iowa's motion to strike and request for more definitive statement and on January 25, 2008, Heart of Iowa filed a motion to amend its December 26, 2007, motion to strike.

On February 12, 2008, Heart of Iowa filed a dismissal of its request for disconnection, without prejudice. Heart of Iowa states that it received payment from Global Crossing and therefore it no longer seeks to pursue its request for disconnection.

The Board has reviewed Heart of Iowa's request and finds that it is reasonable. The Board will dismiss the complaint filed by Heart of Iowa on September 12, 2007, identified as Docket No. SPU-07-19, as requested and will close the docket.

IT IS THEREFORE ORDERED:

1. The request for immediate disconnection of service filed by Heart of Iowa Communications Cooperative on September 12, 2007, is dismissed, without prejudice.

2. This proceeding, identified as Docket No. SPU-07-19, is closed.

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 18th day of February, 2008.