

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: ACCESS POINT, INC.	DOCKET NOS. TCU-08-1 TF-08-22 WRU-08-03-3795
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**ORDER GRANTING APPLICATION, APPROVING CONCURRENCE IN MAPS,
APPROVING TARIFF, ISSUING CERTIFICATE,
AND DENYING WAIVER AS UNNECESSARY**

(Issued April 23, 2008)

On February 13, 2008, Access Point, Inc. (Access Point), 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-08-1. Access Point 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.

Also on February 13, 2008, Access Point filed a proposed local exchange tariff with the Board providing the terms, and conditions for local exchange service in listed exchanges as described in the exchange maps and boundaries of the incumbent local exchange carriers in those exchanges. Revisions to the proposed tariff were filed on March 18, 2008. The proposed tariff and its revisions have been identified as TF-08-22.

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 Access Point's application and finds the necessary technical, financial, and managerial ability to provide local exchange service has been demonstrated. Access Point has also filed a statement indicating that it commits to utilizing thousand-block number pooling (TBNP), even in areas where TBNP is voluntary, to the extent it is technically feasible to do so.

Access Point also states that its service area will mirror the exchanges and service area maps of Qwest Corporation (Qwest). 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 Access Point has complied with the statutory and rule requirements by concurring in Qwest's exchange maps.

The Board has reviewed the proposed tariff filed on February 13, 2008, and the revisions filed on March 18, 2008, and finds that the proposed tariff, with revisions, substantially complies with Board rules for the filing and processing of tariff pages. Notice was provided to all affected carriers. The Board will approve the tariff

effective the date of this order and issue Access Point a certificate of public convenience and necessity concurrent with this order.

Access Point 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-08-03-3795.

Access Point seeks a waiver of 199 IAC 16.5(2), which was eliminated some time ago. Board rule 16.5 now requires that local exchange utilities keep accounts consistent with generally accepted accounting principles (GAAP). Access Point states that it will maintain its records in accordance with GAAP. Access Point's statement appears to be in substantial compliance with the Board's rule so a waiver of rule 16.5(2) is not necessary or possible.

Access Point 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. Access Point asks to keep its books and records in the state of North Carolina, but states that it will make such information available to the Board upon request. The Board will authorize Access Point to keep its books and records in North Carolina based on its assurance that those records will be available for Board inspection upon request. Therefore, a waiver of rule 18.2 is not necessary.

Access Point also seeks a waiver of 199 IAC 22.3(1) regarding the publication of directories. Board subrule 22.3(1) allows local exchange carriers to choose not to publish a directory if arrangements are made for publication in a commonly available publication. Access Point states that it will make arrangements with the incumbent

local exchange carriers for the publication of Access Point's customers in the incumbents' directories. Access Point'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 Access Point, Inc., on February 13, 2008, is granted.
2. The concurrence in the maps and boundaries of the exchanges of Qwest Corporation is approved.
3. The tariff filed by Access Point, Inc., on February 13, 2008, and its revisions filed on March 18, 2008, identified as TF-08-22, is approved effective the date of this order.
4. The request for waiver of 199 IAC 16.5(2), 18.2, and 22.3(1), identified as Docket No. WRU-08-03-3795, is denied because it is moot.
5. A certificate, identified as Certificate No. 0325, is being issued to Access Point, Inc., concurrently with this order.

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 23rd day of April, 2008.