

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: BROADBAND DYNAMICS, L.L.C.	DOCKET NOS. TCU-08-4 WRU-08-11-3758
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**ORDER APPROVING APPLICATION, APPROVING CONCURRENCE IN MAPS,
AND DENYING WAIVER AS UNNECESSARY**

(Issued May 20, 2008)

On April 2, 2008, Broadband Dynamics, L.L.C. (Broadband), 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-08-4. Broadband 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 Broadband's application and finds the necessary technical, financial, and managerial ability to provide local exchange service has been demonstrated. Broadband 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.

Broadband also states that its service area will mirror the exchanges and service area maps of Qwest Corporation (Qwest) and Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom), 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 Broadband has complied with the statutory and rule requirements by concurring in Qwest's and Iowa Telecom's exchange maps.

Also on April 2, 2008, Broadband filed a request for waiver of the requirements of 199 IAC 18.2 and 22.3(1). The waiver request has been identified as Docket No. WRU-08-11-3758.

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

Broadband 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. Broadband states that it will make arrangements with the incumbent local exchange carriers for the publication of Broadband customers in the incumbents' directories. Broadband'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 Broadband Dynamics, L.L.C., on April 2, 2008, identified as Docket No. TCU-08-4, is granted. A certificate will be issued when the company has an approved tariff on file with the Board.

2. The concurrence in the maps and boundaries of the exchanges of Qwest Corporation and Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, is approved.

3. The request for waiver of 199 IAC 18.2 and 22.3(1), identified as Docket No. WRU-08-11-3758, 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 20th day of May, 2008.