

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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<p>IN RE:</p> <p>MCIMETRO ACCESS TRANSMISSION SERVICES LLC, d/b/a VERIZON ACCESS TRANSMISSION SERVICES, AND MCI COMMUNICATIONS SERVICES, INC., d/b/a VERIZON BUSINESS SERVICES,</p> <p style="text-align:center">Complainants,</p> <p style="text-align:center">vs.</p> <p>BTC INC., d/b/a WESTERN IOWA NETWORKS, OMNITEL COMMUNICATIONS, INC., AND PREMIER COMMUNICATIONS, INC.,</p> <p style="text-align:center">Respondents.</p>	<p>DOCKET NO. FCU-08-11</p>
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**ORDER GRANTING MOTION FOR EXTENSION OF TIME AND  
HOLDING REQUEST FOR DISMISSAL IN ABEYANCE**

(Issued August 12, 2008)

On May 29, 2008, MCImetro Access Transmission Services LLC, d/b/a Verizon Access Transmission Services, and MCI Communications Services, Inc., d/b/a Verizon Business Services (collectively "Verizon"), filed with the Utilities Board (Board) a complaint pursuant to Iowa Code §§ 476.1, 476.2, 476.3, 476.5, 476.11, 476.29, and 476.101(1), and 199 IAC chapters 6 and 7 alleging violations of the terms, conditions, and application of the intrastate tariffs of BTC Inc., d/b/a Western

Iowa Networks (Western Iowa), OmniTel Communications, Inc. (OmniTel), and Premier Communications, Inc. (Premier) (collectively "Respondents").

In support of its complaint, Verizon claims that the Respondents are engaging in a fraudulent practice by creating a scheme that involves free conference calls, chat rooms, adult content calling, podcasts, voicemail, and international calling services. Verizon asserts that the Respondents are charging Verizon and other interexchange carriers excessive rates for the routing and termination of calls to companies that advertise these free services and then providing kickbacks of a portion of the terminating access revenues to these free calling service companies.

On July 24, 2008, the Board issued an order granting a joint motion for an extension of time for the Respondents to file a response to Verizon's complaint. Pursuant to the July 24 order, the Respondents were permitted to file a response to Verizon's complaint on or before August 5, 2008.

On August 4, 2008, Verizon, Western Iowa, and Premier filed a joint motion for an extension of time. In support of their motion, the parties asked for an extension until August 19, 2008, so that the parties can continue to explore settlement possibilities.

The Board has reviewed the Parties' request and finds that it is reasonable. The joint motion for extension of time will be granted and the Respondents will be allowed to file a response to Verizon's complaint on or before August 19, 2008.

On July 25, 2008, Verizon filed a dismissal of respondent OmniTel from its complaint. Verizon states that it has resolved its dispute with OmniTel, which was the subject of this action, and therefore Verizon dismisses OmniTel from the complaint with prejudice.

The Board has reviewed Verizon's dismissal and finds that the dismissal, as filed, does not comply with the Board's rules regarding settlements by fewer than all of the parties, as stated in 199 IAC 7.18. Specifically, the dismissal does not contain a statement adequate to advise the Board and the parties not joining the proposal of the scope and grounds of the settlement. For example, the dismissal, as filed, does not indicate whether the terms of the settlement between Verizon and OmniTel are available to the other respondents in this proceeding, nor does the dismissal indicate whether OmniTel will be required to file a revised tariff with the Board that complies with the terms of the settlement. Therefore, the Board will hold Verizon's dismissal of OmniTel in abeyance pending a supplemental filing that satisfies the requirements of 199 IAC 7.18.

**IT IS THEREFORE ORDERED:**

1. The joint motion for extension of time filed by MCImetro Access Transmission Services LLC, d/b/a Verizon Access Transmission Services and MCI Communications Services, Inc., d/b/a Verizon Business Services, BTC Inc., d/b/a Western Iowa Networks, and Premier Communications, Inc., on August 4, 2008, is granted as described in this order.

2. The dismissal of respondent OmniTel Communications, Inc., from this action filed by MCImetro Access Transmission Services LLC, d/b/a Verizon Access Transmission Services, and MCI Communications Services, Inc., d/b/a Verizon Business Services on July 25, 2008, is held in abeyance as described in this order.

**UTILITIES BOARD**

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/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 12<sup>th</sup> day of August, 2008.