

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: AGM TELECOM CORPORATION	DOCKET NO. TF-08-164 WRU-08-42-3848
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**ORDER APPROVING TARIFF
AND GRANTING REQUEST FOR WAIVER**

(Issued November 24, 2008)

On October 13, 2008, AGM Telecom Corporation (AGM) filed with the Utilities Board (Board) a tariff, and on November 13, 2008, AGM filed a request for waiver of specific Board rules. AGM is an alternative operator services company offering operator-assisted calling exclusively to correctional facilities in Iowa. AGM requested the Board approve its tariff and grant a waiver of Board rules 199 IAC 22.19(3) and (4), and 22.5(10)"a" and "f," which relate to blocking, posting, the confidential nature of operator-assisted calls, and connection to emergency services. The request has been identified as Docket No. WRU-08-42-3848. No objection to the tariff or request has been filed.

Board rule 199 IAC 22.12(1)"b" provides that the Board will approve, without specific cost studies, "[t]ariff filings of AOS utilities that propose rates at or below the corresponding rates for similar services of utilities whose rates have been approved by the board in a rate case or set in a market determined by the board to be competitive." On November 13, 2008, AGM filed a statement with the Board

asserting that its rates are at or below the corresponding rates for similar services by AT&T Communications of the Midwest, Inc (AT&T). AT&T's rates are set in a competitive market. Therefore, the Board will approve AGM's tariff as requested.

AGM requests a waiver of Board rules 199 IAC 22.19(3) and (4) and 22.5(10)"a" and "f," which relate to blocking, posting, the confidential nature of operator-assisted calls, and connection to emergency services. In support of its request, AGM states that because of the nature of the services being provided, the correctional facilities must be able to control inmate access to some services. Waiver of these rules will assist the facilities in maintaining control while providing reasonable access under the circumstances.

To grant the waiver, the Board must find, based upon clear and convincing evidence, that the request meets the four criteria in 199 IAC 1.3. The four criteria are: 1) the application of the rule would cause undue hardship, 2) the waiver would not prejudice the substantial legal rights of any person, 3) the provisions of the rule are not specifically mandated by statute, and 4) substantially equal protection of public health, safety, and welfare will be afforded by a means other than prescribed by the rules.

The Board finds that a waiver of 199 IAC 22.19(3) and (4) and 22.5(10)"a" and "f" should be granted, based on the Board's review of the information provided by AGM. The Board finds that it would be an undue hardship for AGM to abide by these rules given the specialized nature of the offered services. The Board also finds that

the waiver will not affect the substantial legal rights of any person and that equal protection of the public health, safety, and welfare have been afforded, under the circumstances.

IT IS THEREFORE ORDERED:

1. The tariff filed by AGM Telecom Corporation on October 13, 2008, identified as TF-08-164, is approved.

2. The waiver request filed by AGM Telecom Corporation on November 13, 2008, identified as Docket No. WRU-08-42-3848 is granted. The blocking requirement of 199 IAC 22.19(3), the posting requirement of 22.19(4), the confidentiality requirement of 22.5(10)"a," and the emergency services requirement of 22.5(10)"f" are waived.

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 24th day of November, 2008.