

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: NET TALK.COM, INC.	DOCKET NOS. TCU-08-13 TF-08-185 WRU-08-38-4072
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**ORDER REJECTING APPLICATION AND TARIFF WITHOUT PREJUDICE
AND DENYING REQUEST FOR WAIVER AS UNNECESSARY**

(Issued December 8, 2008)

On November 4, 2008, NET TALK.COM, Inc. (NET TALK), filed with the Utilities Board (Board) an application for a certificate of public convenience and necessity pursuant to Iowa Code § 476.29 (2007), stating its intention to provide local exchange telecommunications services in Iowa. The application has been identified as Docket No. TCU-08-13.

Board staff's review of the application revealed several deficiencies. Specifically, the application requests a certificate and approval of an intrastate access services tariff; NET TALK did not file a local exchange tariff, which is necessary for certification in Iowa. Iowa Code § 476.29 provides for "certificate for providing local telecommunications service." Without local services, NET TALK cannot be issued a certificate.

Moreover, NET TALK did not demonstrate in this filing that it provided notice to all affected carriers pursuant to 199 IAC 22.20(4) and to all interexchange carriers registered with the Board pursuant to 199 IAC 22.14(4)"a." In the absence of notice to affected carriers, the Board cannot consider the proposed access services tariff.

Accordingly, the Board has reviewed NET TALK's application and finds that it fails to meet the requirements for a certificate of public convenience and necessity. The Board will reject NET TALK's application and request for waiver, without prejudice. NET TALK will be required to file a new application with the Board if it proposes to provide local exchange telecommunications service in Iowa in the future.

Since the Board is denying NET TALK's application and NET TALK does not have a proposed local exchange tariff on file, the Board will also reject NET TALK's proposed access services tariff, identified as TF-08-185.

IT IS THEREFORE ORDERED:

1. The request for a certificate of public convenience and necessity filed by NET TALK.COM, Inc., on November 4, 2008, identified as Docket No. TCU-08-13, is denied without prejudice as described in this order.
2. The proposed access services tariff filed by NET TALK.COM, Inc., on November 4, 2008, identified as TF-08-185, is rejected.

3. The request for waiver filed by NET TALK.COM, Inc., on November 4, 2008, identified as WRU-08-38-4072, is denied as moot.

4. Docket Nos. TCU-08-8, TF-08-185, and WRU-08-38-4072 are 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 8th day of December, 2008.