

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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IN RE:  MITEL NETSOLUTIONS, INC.	DOCKET NO. TCU-08-14 WRU-08-39-4041
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**ORDER GRANTING APPLICATION, APPROVING CONCURRENCE IN MAPS,  
AND DENYING REQUEST FOR WAIVER AS UNNECESSARY**

(Issued December 17, 2008)

On November 6, 2008, Mitel NetSolutions, Inc. (Mitel), 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-08-14. Mitel 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 the application and finds the necessary technical, financial, and managerial ability to provide local exchange service has been demonstrated. Mitel 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.

Mitel 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 Mitel has complied with the statutory and rule requirements by concurring in the exchange maps of Qwest and Iowa Telecom.

Also on November 6, 2008, Mitel 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-08-39-4041.

Mitel seeks a waiver of 199 IAC 18.2, which requires books and records to be kept in Iowa, unless otherwise authorized by the Board. Mitel 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 Mitel 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.

Mitel also seeks a waiver of 199 IAC 22.3(1) regarding the publication of directories. Subrule 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. Mitel states that it will make arrangements with the incumbent local exchange carriers for the publication of its customers in the incumbents' directories. This statement appears to be in substantial compliance with the Board's rules and 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 Mitel NetSolutions, Inc., on November 6, 2008, identified as Docket No. TCU-08-14, 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-08-39-4041, 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 17<sup>th</sup> day of December, 2008.