

IOWA UTILITIES BOARD

INSTRUCTIONS FOR COMPLETING APPLICATION AND NOTICE FORMS FOR CERTIFICATES OF FRANCHISE AUTHORITY

Background: Iowa Code chapter 477A authorizes the Iowa Utilities Board (Board) to issue certificates of franchise authority to cable and video service providers in Iowa. The Board's rules regarding certificates of franchise authority are found at 199 IAC 44.

Application and filing instructions: The Initial Application for Certificate of Franchise Authority can be found on the Iowa Utilities Board's website at <http://iub.iowa.gov> (see How to File, Forms and Applications). The form is a Word document that can be filled in* and saved to your computer. The application includes an affidavit which must be notarized.

The application must be filed electronically using the Board's Electronic Filing System (EFS). You can access the EFS from the Board's website, or by going directly to the EFS site at <http://efs.iowa.gov>. To file the completed application using EFS, download the application form to your computer, and complete and save the form on your computer. Have the person signing the electronic version of the affidavit use "/s/" and type his or her name. The notary can use either "/s/" or "/s/ and sealed" followed by the notary's typed name. Print and sign a paper copy of the affidavit and have the notary affix the seal to the paper copy. Keep the notarized paper copy of the affidavit in your records. Prepare a cover letter explaining what the filing includes and file that letter as a separate document in your filing. EFS only accepts PDF and Excel file types. Upload the electronic version of the application, affidavit, and cover letter into the EFS. For more detailed instructions, or if you have questions on how to file, contact the EFS Help Desk at (515) 725-7337 or by using the link to the Help Desk on the EFS site. Documents filed through EFS are automatically served upon the Office of Consumer Advocate (OCA), so you do not need to provide the OCA with a paper copy of the application.

Providers subject to municipal franchises: Pursuant to Iowa Code § 477A.2(6) and 199 IAC 44.5, only incumbent cable providers are allowed to opt out of existing municipal franchise agreements and apply for a Board-issued certificate. Other service providers cannot opt out of existing municipal franchises but may apply for a certificate issued by the Board within 60 days prior to the expiration of a municipal franchise agreement. A certificate obtained pursuant to an application filed before an existing municipal franchise expires shall take effect upon the expiration date of the municipal franchise.

Notice from competitive service providers: Pursuant to 199 IAC 44.4(1), a competitive service provider must notify affected municipalities and incumbent cable providers of its intent to provide service. Service providers shall electronically file a copy of the notice with the Board, following the electronic filing instructions outlined above, on the day the notice is sent to the municipalities and incumbent cable provider. In the event a competitive provider sends the notice of intent to provide service before filing an application with the Board, the competitive provider shall indicate in a cover letter and comments accompanying the filing containing the copy of the notice sent to the municipalities and incumbent cable provider that an application for a certificate of franchise authority is forthcoming.

In addition to the notice of intent to provide service, an applicant must notify each affected municipality that the applicant has filed an application with the Board for a certificate of franchise authority. (See 199 IAC 44.4(2).) All required notices must be sent by certified mail.

Instructions for filing a Notice of Service Area Revision, Transfer, Termination, or Renewal:

In the event a service provider revises its service area, transfers its certificate, ceases the operation of a cable or video service network, ceases the construction of a cable or video service network, or renews its certificate, the service provider shall complete the applicable form available on the Board's website and electronically file the appropriate form following the electronic filing instructions outlined above.

* If you have questions about using a Word fill-in form, please refer to Word's help menu (F1 or Help on the menu bar). Unprotecting the form will result in disabling the fill-in functionality.