

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>LTD BROADBAND, LLC, Petitioner,</p> <p>v.</p> <p>IOWA UTILITIES BOARD, A DIVISION OF THE DEPARTMENT OF COMMERCE, STATE OF IOWA Respondent.</p>	<p>Case No. CVCV062857</p> <p>PETITION TO INTERVENE</p>
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Pursuant to Iowa Rule of Civil Procedure 1.407, the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, petitions to intervene in this matter and in support of its petition states as follows:

1. The OCA is tasked with appearing “for all consumers generally and the public generally in all actions instituted in any state or federal court which involve the validity of a rule, regulation or order of the utilities board.” Iowa Code § 475A.2(2) (2021).
2. The OCA acts “as attorney for and represent[s] all consumers generally and the public generally in proceedings before federal and state agencies and related judicial review proceedings and appeals, at the discretion of the consumer advocate.” Iowa Code § 475A.2(5).
3. Petitioner, LTD Broadband, LLC (LTD Broadband) is a broadband provider designated as an “Eligible Telecommunications Carrier” (ETC) by the Iowa Utilities Board (IUB).
4. On May 7, 2021, LTD Broadband filed a Request to Amend Eligible Telecommunications Carrier Designation with the IUB.
5. The IUB issued its Order Denying Request to Amend Eligible Telecommunications Carrier Designation (Order Denying) on November 5, 2021.

6. LTD Broadband filed its Petition for Judicial Review on December 3, 2021.

7. Iowa Rule of Civil Procedure 1.407(1) provides for intervention as a matter of right when: (1) “a statute confers an unconditional right to intervene;” or (2) the applicant has an interest in the subject of the action and the disposition of the action might impair the applicant’s ability to protect that interest, unless the interest is adequately represented by the existing parties.

8. OCA believes that it has an unconditional right to intervene in this proceeding. Pursuant to Iowa Code section 475A.2(4), OCA is to “[a]pppear for all consumers generally and the public generally in all actions instituted in any state or federal court which involve the validity of a rule, regulation, or order of the utilities board.” This proceeding relates directly to the validity of the Board’s Order Denying.

9. In addition, the OCA is a party interested in the subject of this action on behalf of consumers and the public generally.

10. The OCA’s interest in representing all consumers and the public generally are not adequately represented by the existing parties. The OCA is the only party that could adequately represent this interest.

11. No party to this action will be prejudiced by the intervention of the OCA.

WHEREFORE, the OCA respectfully requests that the Court grant this Petition to Intervene, and for such other and further relief as the Court deems just and appropriate.

Respectfully submitted,

Jennifer C. Easler
Consumer Advocate

By: /s/ John S. Long
John S. Long, AT0004879

/s/ Jeffrey J. Cook
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CERTIFICATE OF SERVICE

I hereby certify that December 7, 2021, the foregoing document was filed with the Clerk of Court using the EDMS system which will send electronic notice of the filing to the parties of record. Further, I certify the foregoing document was sent to the Iowa Utilities Board's general counsel through electronic mail.

/s/ Jeffrey J. Cook
Jeffrey J. Cook