

**IOWA UTILITIES BOARD**  
Regulatory Analysis Section

Docket No.: ETA-2015-0006  
Utilities: Iowa Wireless Services, LLC d/b/a  
iWireless  
File Date: April 17, 2019  
Memo Date: May 17, 2019

**TO:** The Board  
**FROM:** Jim Langenberg  
**SUBJECT:** Notice of Relinquishment of Eligible Telecommunications Carrier  
(ETC) Designation

**I. Background/Summary:**

On June 29, 2018, pursuant to Section 214(e)(4) of the Communications Act of 1934, 47 U.S.C. § 214(e)(4), 47 C.F.R. 54.205, and 199 IAC § 39.8, Iowa Wireless Services, LLC d/b/a (iWireless), requested that the Utilities Board (Board) permit it to relinquish its designation as an Eligible Telecommunications Carrier (ETC) throughout its entire service area in Iowa, effective September 30, 2018. The Notice of Relinquishment filed by iWireless included a list of 49 Study Area Codes (SAC's) which were indicated to make up the service area of iWireless in Iowa. At that time iWireless stated that it was a wireless telecommunications carrier certified to operate as an ETC pursuant to the Board's Order, issued April 26, 2002, in Docket No. 199 IAC 39.2(4). Additionally, iWireless stated that its ETC designation was expanded through the acquisition of additional service areas, as approved by Board Orders issued in Docket No. ETA-2015-0006.<sup>1</sup>

On April 17, 2019, iWireless indicated that its intent was to have SAC 359133 be relinquished previously; however, it inadvertently omitted SAC 359133 from the list included with the aforementioned notice filed on June 29, 2018. iWireless states that SAC 359133 was initially the wireless service SAC for Dixon Telephone Company (Dixon) and the assets of Dixon were acquired by Central Scott Telephone Company in late 2015. iWireless states that CST Communications, Inc. (CST), the non-incumbent local exchange carrier affiliate of Central Scott Telephone Company, then sold its wireless assets to iWireless. iWireless states that, as a result, CST relinquished and transferred its ETC

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<sup>1</sup> See *Iowa Wireless Services, LLC, d/b/a iWireless*, Docket No. ETA-2015-0006 (Orders issued Nov. 2, 2015, Sept. 1, 2017, Nov. 27, 2017, and May 22, 2018).

designation to iWireless. iWireless reports that the transfer of the CST ETC designation was approved by the Board in May 2018. iWireless reports that, unfortunately, the Dixon SAC 359133 was not listed as part of the transfer. iWireless asserts that as this should have been part of its relinquishment, all of the representations therein apply to SAC 359133. iWireless states that to the extent that the Board has already approved its notice of relinquishment, it should also approve the relinquishment of SAC 359133.

iWireless states that the relinquishment of an ETC designation involves two requirements: (1) there must be one or more ETCs serving in the area of the ETC requesting relinquishment; and (2) notice should be provided to the Board at least 30 days in advance of the relinquishment, as required by recently amended 199 IAC 39.8(1). iWireless states that by this filing, it provides 30-day's notice that it will cease providing Lifeline service under SAC 359133. iWireless reports that at this time there are no Lifeline customers served under SAC 359133. iWireless believes they all received notice as part of the 2018 filing. Additionally, iWireless states that there are other ETCs throughout its prior service area, specifically in the former Dixon service area, and they include, at a minimum, Access Wireless and Assurance Wireless.

## **II. Legal Standards**

The Communications Act of 1934, as amended, and specifically, 47 U.S.C. § 214(e)(4), which relates to the approval of a competitive ETC's notice of relinquishment, is as follows:

A State commission...shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its...designation...shall give advance notice to the State commission...of such relinquishment. Prior to permitting...an eligible telecommunications carrier to cease providing universal service..., the state commission...shall require the remaining eligible telecommunications carrier[s]...to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier...

The FCC's rules, 47 C.F.R. § 54.205, contain nearly identical provisions.

The relevant Board Rule 199 IAC 39.8 establishes the standards for the relinquishment of an ETC designation. That section states:

39.8(1) The board may permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give 30 days' advance notice to the board of such relinquishment...

39.8(2) Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the board shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served by and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The board shall establish a time, not to exceed one year after the board approves such relinquishment under this rule, within which such purchase or construction shall be completed.

### **III. Analysis**

#### Relinquishment of ETC Designation

iWireless previously provided notice to its Lifeline customers that it will cease providing Lifeline services as a result of the ETC relinquishment and currently has no Lifeline customers. Staff concludes that iWireless has met the Board's ETC relinquishment requirements. To date, no objections have been filed in this docket.

### **IV. Recommendation**

Attached for the Board's consideration is an order approving the relinquishment of the ETC designation for Iowa Wireless Services, LLC d/b/a iWireless, SAC 359133.

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