

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: AMENDMENTS TO TELECOMMUNICATIONS SERVICE REGULATIONS	DOCKET NO. RMU-2015-0002
--	--------------------------

ORDER REQUESTING ADDITIONAL COMMENTS

(Issued November 1, 2016)

BACKGROUND

On May 18, 2016, the Utilities Board (Board) issued an “Order Commencing Rule Making” in this docket proposing to update the Board’s administrative rules in 199 IAC chapter 22 regarding the provision of telecommunications services. The Board proposed to amend and rescind several rules throughout the chapter that reflect comments and suggestions received from stakeholders and that further the Board’s objective to eliminate obsolete and unnecessary requirements and minimize the regulatory burden on the industry as a whole.

In addition to the proposed rule revisions, the Board sought comments regarding its continued regulatory approach to local exchange service provided by Voice over Internet Protocol (VoIP) technology and whether the proposed changes to chapter 22 achieve a neutral regulatory application to local exchange services being provided by varying technologies. Specifically, the Board proposed to amend subrule 199 IAC 22.1(6)(a) by adding telecommunications services provided by VoIP technology to the list of services that have been deregulated by the Board. The

Board issued an additional order on June 8, 2016, seeking comments on a variation to that proposal wherein the Board suggested a change that specified deregulation of retail VoIP services only. Written comments were received from the Iowa Communications Alliance (ICA), Dale Brodt, Sprint Communications Company L.P., Sprint Spectrum L.P., and Virgin Mobile USA LLP (collectively, "Sprint"), AARP, Windstream Iowa Communications, Inc. (Windstream), CenturyLink, Inc. (CenturyLink), Voice on the Net Coalition (VON), AT&T Corp. and Teleport Communications America, LLC (collectively, AT&T), T-Mobile Central L.L.C. (T-Mobile), MCI metro Access Transmission Services LLC, d/b/a Verizon Access Transmission Services, MCI Communications Services, Inc., d/b/a Verizon Business Services, TTI National, Inc., Verizon Long Distance LLC, and Verizon Select Services Inc. (collectively "Verizon"), Dex Media, Inc. (Dex Media), the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, and Cox Iowa Telecom (Cox Iowa).

An opportunity for interested persons to present oral comments on the proposed changes was held on August 9, 2016. At the conclusion of the oral comment proceeding, the Board offered interested persons an opportunity to file written comments regarding issues discussed at the proceeding and responding to the positions of other participants. Post-hearing written comments were received from AgriSync, Inc. (AgriSync), Windstream, AT&T, Michael L. Arndt, CenturyLink, Cox Iowa Telecom (Cox Iowa), Verizon, T-Mobile, ICA, and Dex Media, and OCA.

REQUEST FOR COMMENTS

The Board has reviewed the written comments received in this docket as well as those presented at the oral comment proceeding and will propose the adoption of several changes to 199 IAC chapter 22. This order identifies the sections of the chapter to which the Board proposed revisions and discusses any comments or suggestions made by participants. Attached to this order is a proposed “Adopted and Filed” that identifies the changes that Board proposes to adopt. The Board presents these proposed adopted rules and requests new comments regarding any unintended results of the rule changes that weren’t previously presented and considered by the Board.

In addition, the Board specifically requests comments regarding two changes to the rules in chapter 22 that resulted from the review of the written and oral comments received: alternative service requirements and changes to the definitions of “Internet protocol-enabled service,” “Telephone utility” or “utility” and “Voice-over internet protocol service.”

The Board invites interested persons to submit new comments regarding the proposed adopted rules and any comments regarding the identified changes to certain definitions and to alternative service requirements on or before November 23, 2016.

Alternative Service Requirement

At the August 9, 2016, comment proceeding, a discussion took place among the Board and participants regarding 199 IAC 22.6(3) and the provision of alternative

service for extended service interruptions. Several participants also submitted written comments after the proceeding addressing the issue.

Based on the discussion regarding alternative service obligations and the written comments that followed, the Board proposes to add an alternative service requirement for service interruptions that exceed 72 hours. This proposed language would allow customers to have access to emergency services when voice service cannot be restored within 72 hours.

Specifically, the Board requests comments regarding the addition of the following language:

22.6(3)(d) When a company is unable to restore voice service within 24 hours after the problem is reported or is found by the company to be out of order, first priority shall be given to restoring those services which are essential to public health and safety.

22.6(3)(e) When the company fails to restore voice service to any customer within 72 hours after the problem is reported or is found by the company to be out of order, the company shall provide the customer with an alternative form of service until voice service can be provided. The alternative form of service provided shall be wireless telephone service unless the customer agrees otherwise.

22.6(3)(e)(1) Where an alternative form of service is impossible to provide, or if a customer already has a reliable alternative form of service, the company may credit the customer's account in an amount equal to the pro rata monthly local exchange charge for each 24-hour day service was not provided, provide the customer with a credit to be applied to the customer's existing wireless telephone service, or provide the customer with a mutually agreed upon alternative form of service.

Changes to Definitions that Exclude VoIP from Regulation

As part of the Board's May 18, order commencing this rulemaking, the Board proposed to amend subrule 199 IAC 2.1(6)(a) by adding telecommunications services provided by Voice over Internet Protocol (VoIP) technology to the list of services that have been deregulated by the Board. The Board issued an additional order on June 8, 2016, seeking comments on a variation to that proposal wherein the Board suggested a change that specified deregulation of retail VoIP services only.

Several commenters asserted that VoIP's integrated capabilities and features make it an information service under 47 U.S.C. § 153(24), which is not subject to state regulation and as such the Board cannot deregulate a service that it cannot regulate in the first place. These commenters proposed changes to the Board's definition of "Telephone utility" and the addition of definitions "Internet protocol-enabled service" and "Voice over internet protocol service" that are intended to further the argument that VoIP is an information service and is not subject to the Board's regulatory authority.

The Board requests comments regarding the following proposed changes to certain definitions in 199 IAC 22.1(3) as suggested by AT&T, VON, Verizon, and CenturyLink:

"Internet protocol-enabled service" means any service, capability, functionality or application that uses internet protocol or any successor protocol and enables an end user to send or receive voice, data, or video communication in internet protocol format or a successor format.

“Telephone utility” or “utility” means any person, partnership, business association, or corporation, domestic or foreign, owning or operating any facilities for furnishing communications service to the public for compensation, but does not include a provider of internet protocol-enabled service or voice over internet protocol service. The Board shall not directly or indirectly regulate the entry, rates, terms, or conditions for internet protocol-enabled service or voice over internet protocol service, but voice over internet protocol service may be subject to fees subsequently established by state statute, such as 911 or Dual Party Relay Service.

“Voice over internet protocol service” means an internet protocol enabled service that facilitates real time, two-way voice communication that originates from, or terminates at, a user’s location and permits the user to receive a call that originates from the public switched network. “Voice over internet protocol service” does not include a service that uses ordinary customer premises equipment with no enhanced functionality that originates from and terminates on the public switched telephone network, undergoes no net protocol conversion, and provides no enhanced functionality to end users due to the provider’s use of internet protocol technology.

The Board also requests comments regarding the impact of these definitions on the Board’s goal of a technologically neutral application of its rules.

Proposed Adopted Rules

ITEM 1: Amend Subrule 22.1(3) – DEFINITIONS

The Board proposed to amend or remove several terms and definitions in subrule 22.1(3) including “Average busy-season, busy-hour traffic,” “Busy-hour,” “Busy-season,” “Central office,” “Central office access line,” “Channel,” “Demarcation point,” “Extended area service,” “Held order for primary service,” “Held order for secondary service,” “Interexchange service,” “Outside plant,” “Percentage of fill,”

“Primary service,” “Protector,” “Secondary service,” “Telephone station,” “Terminal equipment,” “Toll connecting trunks,” “Traffic grade of service,” and “Transitional intrastate access service” and removing the terms where they appear throughout this chapter. The Board noted that these definitions are no longer technology neutral. Comments on this proposal were received from VON, CenturyLink, Verizon, OCA, and AT&T.

Generally, the commenters support the Board’s proposal to eliminate certain terms and definitions from this section. OCA suggests that the Board update, not rescind, the terms and definitions of “Average busy-season, busy-hour traffic,” “Busy-hour,” and “Busy-season” stating that these terms are important in traffic engineering and are essential for determining what capacities are needed. However, references to these terms in 199 IAC chapter 22 are limited and the definitions offered in this rule do not affect the industry’s use of the terms when determining traffic capacity. Therefore, the Board will adopt these definitions as proposed.

The Board will also adopt the definition of “held orders” as modified to retain the distinction between where facilities already exist and facilities that are not available at the time of the customer request.

ITEM 2: Amend Subrule 22.1(4) – ABBREVIATIONS

The Board proposed to remove the abbreviation for “EAS – Extended Area Service” from its list of abbreviations. No comments were received regarding this proposal.

Since no comments were received, the Board will adopt this rule as proposed and eliminate the abbreviation for EAS from this rule.

ITEM 3: Amend Subrule 22.2(6) – INFORMATION TO BE FILED WITH THE BOARD

The Board proposed to delete subparagraph 22.2(6)(a)(4) regarding outage information that is to be filed with the Board. Specifically, 22.2(6)(a)(4) provides that each utility is required to file the name, title, address, and telephone number of the person authorized to respond to communication from the Board in connection with outages, pursuant to paragraph 22.2(8)“d”. However, the outage reporting requirements in 22.2(8) were rescinded in 2010, which makes 22.2(6)(a)(4) obsolete.

OCA stated that it has no objection to the elimination of 22.2(6)(a)(4), but noted that the Board should take a comprehensive review of outage notification requirements to ensure that state and local emergency responders can be alerted if communications services are lost to a significant number of Iowa residents in an area.

The Board has considered a comprehensive review of outages and outage notification in its review of 22.6 and is comfortable eliminating the requirement here that carriers file information of contact persons for communications regarding outages. Specifically, the Board proposed to retain 22.6(5)(d) (renumbered as 22.6(4)(b) in the noticed rule), which requires local exchange utilities to maintain current plans for emergency operations and includes similar information as was required here. The Board will adopt the changes to 22.6(a)(4) as proposed.

The Board also proposed to eliminate the requirement in 22.2(6)(b) that carriers file with the Board a copy of any new directories the carriers distribute to customers. Several comments were received from participants regarding the continued distribution of directories as that issue relates to 22.3(1). However, no comments were received regarding the elimination of this particular requirement.

Since no comments were received regarding the elimination of this requirement, and since a similar issue is addressed in the Board's discussion of 22.3(1), the Board will adopt the changes to 22.6(b) as proposed.

ITEM 4: Amend Rule 22.3 – GENERAL SERVICE REQUIREMENTS

The Board proposed to amend rule 22.3 regarding general service requirements by rescinding subrules 22.3(1) *Directories*, 22.3(2) *Service Check*, 22.3(5) *Pay telephone services and facilities*, 22.3(6) *Extension plan*, and 22.3(11) *Assignment of numbers*.

With respect to subrule 22.3(1) regarding directories, the Board received several comments suggesting that the transition to other technologies for local exchange service, namely wireless technology, has impacted the public's need for printed directories. However, the Board also recognizes that rescinding the rule requiring carriers to provide printed directories may create unintended issues for customers who do not have access to broadband or Internet services. The Board attempted to address this problem by adding subrule 22.4(1)(c) and requiring carriers eliminating printed directories to develop a plan to help requesting customers

transition from printed directories and file that plan with the Board for information purposes.

At the August 9, 2016, oral comment proceeding, Dex Media indicated that despite the changes to the telecommunications industry, specifically customers' movement to wireless technologies, directories are still very valuable to a lot of people. (Tr. 31-32). Dex Media stated that for that reason, it continues to provide printed directories to customers free of charge in other states, if the customer requests a directory.

The Board agrees with some of the commenters that requiring the development of a transition plan for carriers moving away from printed directories and filing that plan with the Board may not be an appropriate solution to ensuring that each Iowa customer who wants a printed directory can get one. The rule changes as proposed do not make certain that a transition from widespread distribution of printed directories will continue to allow all Iowans to connect to and receive value from the public network. The Board finds that since Dex Media is providing printed directories to customers free of charge upon request in other states, a rule requiring that type of transition for Iowa customers is appropriate. This change relieves the mandatory requirement of providing a printed directory to all customers, yet allows for the safety net necessary for some Iowans to obtain beneficial access to the public network.

The Board will adopt the proposed changes to 22.3, including rescinding subrule 22.3(1) regarding directories. The Board will also adopt the proposed subrule in 22.4(1)(c) to require carriers transitioning from printed directories to inform

customers annually that they can still receive a current printed directory free of charge upon request by calling a toll-free number.

The requirement in 22.3(2) that utilities perform service checks up to the demarcation point and the pay telephone rules in 22.3(5) are obsolete along with the extension plan rules in 22.3(6) and the assignment of telephone numbers in 22.3(11). The Board proposed to rescind subrules 22.3(2), 22.3(5), 22.3(6), and modify 22.3(11) to indicate that numbers should be assigned in accordance with applicable FCC rules. No comments were received regarding the proposed changes to these subrules.

The service check and extension plan rules in 22.3(2), (5) and (6) appear to be tied to rate of return regulation, but retail rates for local exchange service have been deregulated. Pay telephones are a subset of terminal equipment, which was generally deregulated in Docket No. INU-84-6 and noted in Docket No. RMU-85-6. Therefore, the Board finds it is appropriate to extend the previously determined deregulation of terminal equipment to pay telephones at this time.

The requirement in subrule 22.3(11) to assign telephone numbers to a different customer within 60 days from the date which a number is permanently disconnected is no longer consistent with the FCC's rules at 47 CFR § 52.15(f)(1)(ii). Therefore, the Board will modify its proposed subrule to direct carriers to the FCC rules for compliance. Since these subrules did not receive any comments, the Board will rescind subrules 22.3(2), 22.3(5), 22.3(6), and adopt the changes to 22.3(11), as modified.

ITEM 5: Amend rule 22.4 – CUSTOMER RELATIONS

The Board proposed amending subrule 22.4(1) by modifying the language in 22.4(1)(a)(1) and (2) to grammatically conform with the rule construction. No comments were received. In addition, the Board proposed to amend subrule 22.4(1) by adding a new paragraph (c) requiring carriers that no longer choose to provide a printed directory to customers to develop a plan to help customers transition from printed directories to another media.

The Board also proposed the addition of two paragraphs in 22.4(1)(a) that require carriers to maintain records regarding service connections, held orders, service interruptions, and out-of-service trouble reports. Subparagraphs 22.4(1)(a)(4) and (5) were added to this section after changes were proposed to rule 22.6 – Standards of quality of service where the Board proposed to eliminate restoration metrics that carriers were to follow in the event of service interruptions. The Board proposed to continue requiring carriers to track these service issues, which was originally required by 22.6, and moved the tracking requirements to paragraph 22.4(1)(a) where additional reporting and tracking requirements are identified.

The Board also proposed amending subrule 22.4(2) and paragraph 22.4(2)(a) by adding language to clarify that pursuant to federal regulations in 47 CFR § 54.401(c), utilities may not collect a deposit in order to initiate Lifeline service to qualifying customers.

The Board also proposed changes to subrule 22.4(2)(b) and the requirement that interest on customer deposits be computed at 4.0 percent. After reviewing the

rules for interest on customer deposits in the gas and electric industries, the Board proposed amending subrule 22.4(2)(b) to reflect an interest rate of 7.5 percent per annum, compounded annually, to maintain consistency across all utility industries.

Regarding the proposed grammatical and language changes to 22.4(1)(a)(1) and (2), the Board did not receive any comments regarding these changes and therefore, the Board will adopt them as proposed.

No comments were received regarding the addition of paragraphs 22.4(1)(a)(4) and (5), which require carriers to track issues regarding service connections, held orders, service interruptions, and out-of-service trouble reports. The addition of these paragraphs in this rule was due to changes that were being proposed to rule 22.6 and simply moved the tracking requirements originally required by 22.6 to this paragraph where additional reporting and tracking requirements are identified. Since no comments were received regarding this proposed change, the Board will adopt these paragraphs as proposed.

With respect to the proposed addition of paragraph 22.4(1)(c) regarding directories, the Board considered comments on this change in ITEM 4 of this order. Based on the comments received, the Board will amend this paragraph to require carriers transitioning from a printed directory to provide printed directories upon customer request and inform customers annually that they can still receive a printed directory free of charge by calling a toll free number.

No comments were received regarding the proposed changes to 22.4(2)(a) that insert clarifying language into this paragraph pursuant to 47 CFR § 54.401(c)

that utilities may not collect a deposit in order to initiate Lifeline service to qualifying customers. As this proposed change brings the Board's rules in compliance with federal rules, and no comments were received, the Board will adopt the changes to 22.4(2)(a) as proposed.

Comments were received from CenturyLink and ICA regarding the proposed changes to 22.4(2)(b) regarding interest charged on customer deposits. Both commenters indicate that the Board's proposal to increase interest charged on customer deposits from 4.0 percent to 7.5 percent is not appropriate. However, CenturyLink argues that the interest rate should remain at 4.0 percent while ICA argues that the rate should be based on market conditions. CenturyLink notes that the established rate is higher than established market rates.

In its order commencing this rulemaking, the Board indicated that it was interested in using an interest rate that maintained consistency across all utility industries and proposed to match the interest rate for deposits for telecommunications service with the rates charged for deposits for electric and gas services. The Board also asked questions of participants at the August 9 proceeding relating to this issue and expressed interest in possibly matching interest rates set by Iowa law. CenturyLink provided information regarding the various interest rates allowed by Iowa statute.

The Board finds that adopting a 7.5 percent interest rate is not appropriate at this time. The Board also finds that a fluctuating interest rate could create unintended record keeping difficulties for the carriers. Therefore, the Board will not

adopt the proposed changes to the interest rate charged on customer deposits for telecommunications services at this time.

ICA submitted comments regarding 22.4(5) suggesting that a network upgrade should not be considered a discontinuance of service. The Board finds that a network upgrade still consists of a disconnection of service – that being a discontinuance from the copper network service – and a reconnection to a fiber-based network. This kind of disconnection is significant and therefore, the Board will not adopt any changes to this subrule.

ITEM 6: Rescind Rule 22.5 – TELEPHONE UTILITY SERVICE
STANDARDS

The Board proposed to rescind rule 22.5, which identifies specific adequacy standards relating to the provision of telecommunications services. These standards relate primarily to legacy landline technologies. These subrules specify technical service requirements like dial tone availability and adequacy of interoffice trunks and do not appear to be necessary or relevant any longer. OCA was the only participant that provided written comments on the proposed rule change.

The requirements of rule 22.5 were implemented to provide measurable standards to carriers providing telecommunications services in Iowa through the use of legacy landline technologies. These measures have become increasingly less relevant as legacy services give way to newer technologies.

The Board agrees with the majority of participants that these telephone utility standards can be eliminated. Rescinding these rules is a move away from the

specific requirements associated with legacy landline technologies to general standards that are technology neutral. The Board will rescind rule 22.5 as proposed.

The Board notes OCA's suggestion to require companies to maintain a list of downstream intermediate carriers being used to carry traffic in Iowa. The issue of downstream carriers was addressed in consolidated Docket Nos. FCU-2012-0019, et al., regarding a series of complaints involving failed call completions. Therefore, the Board will not take any action on this suggestion in this rule making.

ITEM 7: Amend Rule 22.6 – STANDARDS OF QUALITY OF SERVICE

Rule 22.6 identifies basic standards of service quality, including service connections, held orders, service interruptions, emergency operations, and business offices. The Board proposed to amend rule 22.6 to eliminate the requirement to measure service connection, held order, and service interruption performance. However, the Board also proposed to require carriers providing local exchange voice services to track service connections and held orders, but moved those tracking requirements to subrule 22.4(1).

Subrule 22.6(1) establishes metrics for the connection of voice services after a customer has requested those services. Subrule 22.6(2) establishes record-keeping requirements and an alternative service obligation for held orders. "Held orders" is considered to be the time when a local exchange utility that uses its own facilities to provide service cannot supply service to prospective customers within five business days. The Board proposed to eliminate the metrics in 22.6(1) and require companies to make all reasonable efforts to maintain a five-business-day standard for the

connection of voice service. The Board also proposed to delete the term “primary service” from the subrules under 22.6 because it dates back to a time when it was common for residential customers to subscribe to multiple landlines, such as a main voice line, a teen line, a FAX line, a dial-up Internet line, and the like. The “primary” and “secondary” service definitions provided a distinction in service obligations that is no longer relevant in today’s changing marketplace. Comments were received from OCA and CenturyLink regarding these proposed changes.

The Board recognizes that the rules in 22.6(1) regarding service connections and 22.6(2) regarding held orders are not competitively neutral as they only apply to utilities that use their own facilities to provide service. A reseller of services or a carrier leasing facilities from an incumbent local exchange carrier to provide service is not subject to these rules. Similarly, the municipal telephone companies in Iowa are exempt from 22.6(1) as they are facilities-based but are not required to extend their facilities to every location in the exchanges where they are certificated. The municipal telephone companies serving an exchange must provide facilities to every premise in the entire exchange where the municipality is located. The proposed changes to 22.6(1) and 22.6(2) attempted to address that discrepancy by striking references to facilities and making the rule applicable to all local exchange voice service technologies.

CenturyLink suggested that the Board eliminate all rules setting expectations for service connections since the telephone utilities have an incentive in the current competitive market to provide service as quickly as possible or lose those customers

to competition. The Board understands CenturyLink's position but also shares OCA's concerns that eliminating the metrics may have the unintended consequence of creating less of an incentive to invest necessary resources throughout an exchange and that the Board may not have any measurement tools in place by which to hold companies accountable for excessively long service connections or held orders.

The Board will adopt the proposed changes to 22.6(1) and 22.6(2) with modifications. With respect to 22.6(1), the Board will adopt the proposed changes to the rule and restore a measurement by which most customers receive a requested service connection. The Board will restore 22.6(1)(c) which provides that a reasonable effort to connect customers shall be measured by 99 percent of all customers being provided service within 30 business days of the request, or the customer-requested date, whichever is later. The retention of this metric recognizes the market place incentives to quickly establish service and also addresses OCA's concerns that the Board has a minimum measurement tool in place by which to hold companies accountable for excessively long delays in service connections.

With respect to 22.6(2), the Board's proposal to amend this rule was intended to address the competitive disparity among carriers. CenturyLink and OCA provided comments regarding 22.6(1), but not 22.6(2). However, the Board is aware of additional grammatical changes that could be made to the rule to make it more competitively neutral. The Board will adopt the changes to 22.6(2) as proposed, with minor grammatical changes.

Subrules 22.6(3) establishes requirements for carriers to follow in the event of service interruptions; 22.6(4) establishes requirements in the event of missed repair appointments. The Board proposed to rescind the measurements for restoration of service following a service interruption identified in subrules 22.6(3) and 22.6(4). The Board also proposed to continue requiring carriers to track service interruptions and held orders but moved those tracking requirements to subrule 22.4(1), where additional reporting and tracking requirements are identified. The Board received comments from Dale Brodt, OCA, AARP, Michael Arndt, and CenturyLink regarding this proposal.

The proposed changes to 22.6(3) and 22.6(4) to eliminate these requirements were intended to elicit comments regarding the notion that in today's current competitive market, telephone utilities have every incentive to provide good service or they could lose their customers to competition; the penalty of losing customers to poor service should be enough of an incentive for providers of voice services to aspire to adequately maintain and service their facilities while striving to improve the customer experience.

The commenters, however, raised valid concerns throughout this rulemaking regarding the significant personal effect of extended telecommunications service outages. These commenters point out that there are still some parts of Iowa where local exchange competition is not robust and the availability of other, unregulated, voice services may not be so widespread. According to these commenters, customers continue to need some level of protection from extended service outages.

The Board will adopt the proposed changes to 22.6(3) with modifications. Paragraph 22.6(3)(a) will be amended to include a provision that providers of voice services should make all reasonable efforts to ensure that 99 percent of all out of service trouble reports are cleared within 72 hours.

Paragraph 22.6(3)(e) requires telephone utilities to keep written records of all interruptions affecting service. This paragraph will be amended to require voice service providers to keep written records of all service interruptions that exceed 72 hours for a minimum of six years and make them available to the Board upon request.

Paragraph 22.6(3)(i) provides rules regarding bill adjustments for customers who have had service interruptions in excess of 24 hours. The Board proposed to rescind this paragraph. After considering the comments regarding this proposed change, the Board will restore paragraph 22.6(3)(i); maintaining this requirement will protect Iowa customers from extensive service interruptions and provide incentive for the utility to restore service as quickly as possible.

Based on discussion regarding alternative service obligations that occurred at the August 9 proceeding and on the written comments that followed, the Board is proposing to amend 22.6(3) by adding an alternative service requirement for service interruptions that exceed 72 hours. The proposed requirement was identified earlier in this order and the Board is seeking comments regarding its adoption.

Subrule 22.6(4) relates to penalties for missed repair appointments. The Board proposed to rescind this subrule. It is in the company's interest to install and

repair voice service to customers in a timely manner, which should be enough of an incentive to eliminate the need for further penalty. The Board will adopt the rescission of 22.6(4) as proposed.

Subrule 22.6(5) identifies requirements for carriers to follow in emergency situations. ICA recommended that this subrule be amended to accommodate the FCC's newly-adopted emergency operation rules in 47 C.F.R. § 12.5. The Board proposed to eliminate subparagraphs (b) and (c) and amend subparagraph (d) since the requirements identified in these subparagraphs are required by the FCC, among other requirements not identified.

The Board proposed to amend subparagraph (d), which requires local exchange utilities to maintain current plans for emergency operations, to clarify that these plans should be made available for Board inspection upon request. OCA commented on the proposed changes.

The FCC issued a report on August 5, 2015, which adopted new back-up power rules pertaining to any residential landline customer, including those served by newer technologies that are not line-powered from the central office. Traditional copper-based telephone technology functions during a power outage using battery power in the central office, but newer voice technologies that are not line-powered will not function during a power outage without other equipment. This affects all services, including access to emergency 911 (E911) services. Under the new FCC rules, service providers must disclose the power outage limitations at the point of sale and offer the subscriber the option to purchase on-site back-up power systems.

The FCC's rules require the same emergency operations provisions as those identified in 22.6(5), and more. The Board will adopt the changes to 22.6(5) as they were proposed.

Subrule 22.6(6) establishes requirements for local exchange carriers with respect to the location and operation of their business offices. The Board proposed to rescind this subrule. OCA commented on the proposal.

This subrule relates specifically to a "brick and mortar" business model and does not support online business offices or call centers. Under current market place conditions, it is unclear whether all of the CLECs in Iowa can comply with the current rule. OCA's comment did not provide any specific guidance as to what minimum requirements can be met by all Iowa providers. The Board finds that this subrule is no longer applicable under current market conditions. Therefore, the Board will adopt the rescission of this subrule as proposed.

ITEM 8: Amend Rule 22.7 – PROTECTIVE MEASURES

The Board proposed non-substantive style changes to 22.7(1), which relates to protective measures. In addition, the Board proposed to rescind subrule 22.7(2), which requires telecommunications utilities to adopt and execute a safety program for employee safety. The Board stated its belief that this requirement is no longer necessary given that employee safety is more thoroughly regulated through OSHA and other federal regulations. No comments were received regarding this proposed change.

Since no comments were received regarding the proposed change, the Board will adopt the style changes to 22.7(1) and the rescission of 22.7(2) as proposed.

**ITEM 9: Rescind Rule 22.8 – NONTOLL INTEREXCHANGE TRUNKING
 SERVICE EAS SURVEY PROCEDURE**

The Board proposed to rescind rule 22.8, which establishes a procedure for interexchange trunking service surveys for extend area services (EAS). The Board proposed rescission of the rule. ICA commented on the proposal.

The procedures established in 22.8 allow a utility to expand a local calling area and increase the associated local rates of the customers residing in the service area where the local calling would be expanded. The EAS rules require that if the utility wishes to implement and charge for EAS, the utility must perform traffic studies, determine the increase in rates, and ballot the local customers. At least 65 percent of customers must vote in favor of an expansion of the calling area for the rate increase to go into effect. Similarly, at least 65 percent of customers must vote in favor of a utility proposal to discontinue a previously approved expansion of the local calling area.

CenturyLink has argued that the EAS procedure rules are no longer necessary due to rate deregulation and competition. Without these EAS rules, utilities would be free to unilaterally expand local calling areas and adjust rates. The Board agrees that these rules are out-of-date and are no longer necessary. However, the Board also understands ICA's concern that the removal of this rule may result in the elimination of existing local calling arrangements.

The Board will rescind rule 22.8 as proposed. However, the Board clarifies its intent to grandfather existing EAS and EAS-type arrangements going forward.

ITEM 10: Rescind Rule 22.9 – TERMINAL EQUIPMENT

Rule 22.9 states that terminal equipment is deregulated and customers may now secure terminal equipment through any provider. As this rule is more of a statement than a requirement and terminal equipment has been deregulated since 1983, the Board proposed to rescind the rule. No comments were received regarding the proposal.

Since no comments were received regarding the proposed change to 22.9, the Board will adopt the rescission of 22.9 as proposed.

ITEM 11: Rescind Rule 22.10 – UNFAIR PRACTICES

Rule 22.10 prohibits unfair or deceptive practices related to customer provision of equipment. The Board stated its belief that current marketplace conditions have effectively eliminated the need for this rule and therefore, proposed to rescind it. No comments were received on this proposal.

Since no comments were received regarding the proposed change to 22.10, the Board will adopt the rescission of 22.10 as proposed.

ITEM 12: Rescind Rule 22.11 – INSIDE STATION WIRING

Rule 22.11 addresses the uncommon situation where an exchange boundary divides a customer's premises. The rule also provides technical standards for the telephone wiring inside the customer's home. While all communications wiring inside a customer's home should be installed according to applicable building codes and

electrical standards, it is no longer within the Board's jurisdiction to enforce those standards. Therefore, the Board proposed to rescind this rule. No comments were received on this proposal.

Since no comments were received regarding the proposed change to 22.11, the Board will adopt the rescission of 22.11 as proposed.

ITEM 13: Amend Subparagraph 22.14(2)(d)(1) – CARRIER COMMON
LINE CHARGE

Subparagraph 22.14(2)(d)(1) requires carriers to incorporate a carrier common line charge (CCLC) in their intrastate access service tariffs; 22.14(2)(d)(1)(1) requires ILECs to include the CCLC and 22.14(2)(d)(1)(2) requires CLECs to deduct the CCLC from their intrastate service tariffs. The Board proposed to clarify subparagraph 22.14(2)(d)(1)(1) by adding the term "originating" to the CCLC. In addition, the Board proposed to eliminate subparagraph 22.14(2)(d)(1)(2) to further aid in clarifying the Board's intent regarding the application of an originating CCLC. Comments were received from CenturyLink, Sprint, ICA, Windstream, Verizon, and AT&T.

These rules were initially established in 2003 following the Board's decision in *FiberComm*.¹ In *FiberComm*, the Board determined that "on both the originating and terminating end of the call, each LEC has market power with respect to IXC access to the LEC's customers."² The Board then ordered CLECs in the *FiberComm* case to

¹ *FiberComm, L.C., et al. v. AT&T Communications of the Midwest, Inc.*, Docket No. FCU-00-3 (October 25, 2001).

² *Id.*, at 16.

file new access charge tariffs based on the Iowa Telecommunications Association tariff with the CCLC (both terminating and originating) removed.³

The Board adopted rules implementing the *FiberComm* decision in Docket No. RMU-03-11.⁴ In the “Order Adopting Amendments,” the Board stated that [b]y adopting the proposed amendment, the Board will extend the effect of its *FiberComm* decision to every CLEC that chooses to concur in the ITA access tariff. Currently, almost all CLECs concur in that tariff; if they continue to do so, then the result will be elimination of the CCLC from CLEC access charges in competitive exchanges. A CLEC that was not a party to the *FiberComm* case could file a separate access tariff of its own and try to continue to include the CCLC in its access rates, but any interexchange carrier (or other interested person) could then file an objection or a complaint seeking to have the *FiberComm* analysis extended to this CLEC. The burden would then be on the CLEC to show why it should not be subject to the same analysis.⁵

The Board’s intent with respect to this rule remains unchanged. While the FCC is phasing out terminating access charges, originating access charges are still permitted. Since the FCC is still reviewing the future of access charges, the Board will not make any substantive changes to the CCLC rules at this time. However, the Board finds that it is appropriate to modify this rule to provide clarification.

³ *Id.*, at 22.

⁴ *In re: Intrastate Access Service Charges*, “Order Adopting Amendments,” Docket No. RMU-2003-0011 (March 18, 2004).

⁵ *Id.*, at 6.

The Board has considered all of the comments regarding the proposed changes to this subparagraph will modify the rule in order to make it clear that the Board's prior actions with respect to this rule were not intended to extend to CLECs that opted to use their own access tariff.

The Board will adopt the proposed change to 22.14(2)(d)(1)(1) clarifying that all ILECs shall include the CCLC in their intrastate access tariffs, with modification. This clarification matches the FCC's intent to eliminate terminating access charges from all intrastate access tariffs even though the phase-out is not yet complete.

The Board will retain 22.14(2)(d)(1)(2) with the clarification that competitive local exchange carriers concurring in the ICA access tariff shall deduct the originating and any remaining terminating CCLC from their intrastate access service tariffs. The Board proposes to adopt the following language:

22.14(2)(d)(1)(2) A competitive local exchange carrier that concurs in the access services tariff of the Iowa Communications Alliance shall deduct the originating and terminating carrier common line charge from its intrastate access service tariff.

ITEM 14: Amend Paragraph 22.14(4)(a) – NOTICE OF INTRASTATE ACCESS TARIFFS

Paragraph 22.14(4)(a) directs telephone utilities to give written notice of any new or changed tariffs relating to access charges, access service, or the recording function associated with billing and collection for access services. The recording function of billing and collection services was deregulated in Board Docket No.

INU-88-9. Therefore, the Board proposed to eliminate the reference to the services in this paragraph. No comments were received on this proposal.

Since no comments were received regarding this proposed change, the Board will adopt the change to 22.14(4)(a) as proposed.

ITEM 15: Amend Subrule 22.17(1) – RESALE OF SERVICE

Subrule 22.17(1) contains references to tariffed rates and to rates charged to resale providers. These references implicate rate regulation that is no longer under the Board's regulatory authority. The Board proposed to delete the references to tariffed rates in paragraph 22.17(1)(a) and rescind paragraph 22.17(1)(b). No comments were received on this proposal.

Since no comments were received regarding this proposed change, the Board will adopt the changes to 22.17(1) as proposed.

ITEM 16: Amend Subrule 22.20(1) – SERVICE TERRITORIES

Subrule 22.20(1) relates to the issuance of a certificate of public convenience and necessity issued to providers of local exchange telecommunications services. The subrule also provides that a certificate will be issued in the form of a Board order and may be modified only by subsequent Board orders. This language is contrary to subrule 22.20(4) which provides that certain modifications to a certificate may be approved by letter rather than a Board order. The Board proposed to delete the provision in subrule 22.20(1) that states certificates can only be modified by Board order. No comments were received regarding the proposed changes.

Since no comments were received regarding this proposed change, the Board will adopt the changes to 22.20(1) as proposed.

ITEM 17: Amend subrule 22.20(2) – SERVICE TERRITORIES

Subrule 22.20(2) identifies the procedures in place when revising exchange maps and modifying certificates. There are several references in this subrule to the requirement of mailing objections to the Board. However, the Board now employs an electronic filing system (EFS), the process for which is outlined in 199 IAC 14. The Board will amend subrule 22.20(2) to include the option of electronically filing objections with the Board in addition to mailing those objections.

No comments were received regarding this specific change. However, ICA submitted comments regarding identifying service territories.

With respect to ICA's comments regarding the identification of a carrier's service area, the Board acknowledges that additional steps have been added to the process for identifying a specific carrier's service area since the removal of the requirement to file local exchange tariffs with the Board. On April 25, 2014, Governor Branstad signed into law Senate File 2195 (SF 2195), which amended various sections of Iowa Code chapters 476 and 477. One of the amendments resulting from the enactment of SF 2195 was the elimination of retail tariff requirements for local exchange carriers (LECs).

Prior to the enactment of SF 2195, when a carrier was issued a certificate, the certificate indicated that the service area was the area that was defined by the carrier's local exchange retail tariff, as it was currently and subsequently approved by

the Board. This process made it fairly easy for persons to learn where a carrier was authorized to provide service by looking at the carrier's most recently approved tariff.

While new or updated retail tariffs are no longer filed with the Board, the tariffs associated with certificated carriers prior to the enactment of SF 2195 are still available through the Board's EFS. If a carrier has not updated or modified its service area since that time, the last tariff filed by that carrier identifies its current service area. Certificates issued after the enactment of SF 2195 identify the initial service area where a carrier is providing service. To learn if a carrier has modified or expanded its service areas, interested persons now have to search the Board's EFS for an "ES" docket assigned to a particular carrier, as established in 22.20(4).

This review process, while somewhat revised since the enactment of SF 2195, does not require a change to the Board's rules. The rules set forth the certification process and the process for modifying or expanding a service area. Board staff is available to assist interested persons in locating a particular carrier's authorized service area.

ITEM 18: Amend Paragraph 22.20(3)(a) – MAP SPECIFICATIONS

Paragraph 22.20(3)(a) identifies the appropriate scale for paper boundary maps and boundary maps filed in an electronic format. The Board intends to have all map filings eventually filed electronically and proposed language to this paragraph that requires revisions to exchange boundary maps be filed in an electronic format. No comments were received regarding this proposed change.

Since no comments were received regarding this proposed rule change, Staff recommends the Board adopt the changes to this rule as proposed.

ITEM 19: Rescind Rule 22.21 – TOLL DIALING PATTERNS

Rule 22.21 requires all local exchange utilities to use a specific ten digit dialing pattern. This pattern is required by FCC regulations and the Board did not believe it necessary to restate the requirement here and proposed to rescind the rule. No comments were received regarding this proposal.

Since no comments were received regarding this proposal, the Board will adopt the rescission of 22.21 as proposed.

ITEM 20: Amend Subrule 22.23(2) – UNAUTHORIZED CHANGES IN
TELECOMMUNICATIONS SERVICES

Rule 22.23 prohibits unauthorized changes in telecommunications services such as slamming or cramming. The rule also identifies specific procedures that carriers must follow in order to switch services for a customer. The Board proposed to amend this subrule to match a recent FCC update adding references to electronic mail and webpages.

No comments were received regarding the Board's proposed changes. However, comments regarding other provisions of the rule were received from Verizon, OCA, and AARP.

In large part, this rule mirrors the FCC's rules prohibiting unauthorized changes in service found in 47 CFR §§ 64.1100, et al. As a general practice, the Board does not prefer its rules to simply restate federal requirements. In the case of this particular rule, however, the legislature explicitly required the Board to adopt

rules that prohibit unauthorized changes in telecommunications services and required that the rules be consistent with the FCC regulations. (Iowa Code § 476.103).

The Board understands Verizon's concerns and agrees that in situations where a complaint against a company for an unauthorized change in service dates back ten years, it is difficult for the company to address the complaint. However, Verizon's suggestion that a two-year limit on complaints does not adequately consider customers. The current rule requires companies to maintain records regarding changes in service for two years. The Board does not believe that a time limit for filing a complaint should exceed the company's requirement to maintain records. Therefore, the Board will require companies to maintain records for five years and place a time limit of five years on complaints regarding unauthorized changes in service brought under this rule. While this change extends a company's duty to maintain records, it also eliminates a situation where a company is defending against an unauthorized change in service without any records.

The Board will also amend the rule to include language from 47 CFR § 64.1130(a) that allows carriers to obtain a signed letter of agency to demonstrate authorization or verification of a request for service change.

ITEM 21: Amend Paragraph 22.23(5)"c" – COLLECTION (OF CIVIL PENALTIES)

The Board proposed to amend paragraph 22.23(5)"c" to change the reference of credits to the state's general fund to credits to the revolving fund. No comments were received regarding this proposed change.

Since no comments were received regarding this change, the Board will adopt the change to 22.23(5)“c” as proposed.

ORDERING CLAUSE

IT IS THEREFORE ORDERED:

Interested persons may file additional comments addressing the Utilities Board’s proposed adopted rules and other issues described in this order on or before November 23, 2016.

UTILITIES BOARD

/s/ Geri D. Huser

/s/ Elizabeth S. Jacobs

ATTEST:

/s/ Trisha M. Quijano
Executive Secretary, Designee

/s/ Nick Wagner

Dated at Des Moines, Iowa, this 1st day of November 2016.

PROPOSED

UTILITIES DIVISION [199]

Adopted and Filed

Pursuant to Iowa Code sections 17A.4 and 476.2, the Utilities Board (Board) gives notice that on _____, 2016, the Board adopted amendments to 199 IAC 22 as described in Docket No. RMU-2015-0002, In re: Amendments to Telephone Service Regulations [199 IAC 22]. The adopted rules address changes to the Board's rules regarding the provision of telecommunications services and apply technology-neutral standards applicable to wireline, Voice over Internet Protocol (VoIP), cable VoIP, and other types of services, as well as update the rules to eliminate outdated and unnecessary regulations.

To develop the proposed amendments, the Board sought early input from stakeholders. On October 2, 2015, the Board issued an "Order Scheduling Workshop" in this docket and invited interested persons to discuss with Board staff the issues relating to changes to the Board's rules in 199—chapter 22. At the conclusion of the workshop, the Board invited participants to file written comments memorializing their positions on issues discussed at the workshop, responding to new issues raised at the workshop, or responding to the positions of other participants expressed at the workshop. The Board received comments from eight interested parties. Generally, the participants agreed that several of the Board's rules need to be revised and many offered preliminary suggestions as to how the rules could be amended.

On June 8, 2016, the Board issued an “Order Seeking Additional Comments,” wherein the Board asked interested persons to submit comments regarding specific changes to the rules as proposed by the Board.

A Notice of Intended Action was published in the Iowa Administrative Bulletin at IAB Vo. XXXVIII, No. 25 (June 8, 2016) p. 2381 as ARC 2569C. Written comments were filed on or before July 1, 2016 by the following participants: Iowa Communications Alliance (ICA), Dale Brodt, Sprint Communications Company L.P., Sprint Sprint Spectrum L.P., and Virgin Mobile USA LLP (collectively, “Sprint”), AARP, Windstream Iowa Communications, Inc. (Windstream), CenturyLink, Inc. (CenturyLink), Voice on the Net Coalition (VON), AT&T Corp. and Teleport Communications America, LLC (collectively, AT&T), T-Mobile Central L.L.C. (T-Mobile), MCI Metro Access Transmission Services LLC, d/b/a Verizon Access Transmission Services, MCI Communications Services, Inc., d/b/a Verizon Business Services, TTI National, Inc., Verizon Long Distance LLC, and Verizon Select Services Inc. (collectively “Verizon”), Dex Media, Inc. (Dex Media), the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, and Cox Iowa Telecom (Cox Iowa).

A public hearing to receive oral comments on the proposed amendments was held on August 9, 2016.

Additional written comments were filed on or before September 1, 2016, by AgriSync, Inc. (AgriSync), Windstream, AT&T, Michael L. Arndt, CenturyLink, Cox Iowa Telecom (Cox Iowa), Verizon, T-Mobile, ICA, and Dex Media, and OCA.

After reviewing the written comments, the Board issued an “Order Requesting Additional Comments” on _____, 2016, regarding the Board’s proposed

adopted rules in addition to alternative service requirements and the Board's definitions of "Internet protocol-enabled service," "Telephone utility" or "utility," and "Voice-over internet protocol service." Additional written comments were received from _____

Based on the comments submitted in this proceeding, the Board determined that the proposed amendments to 199 IAC 22 should be adopted with some modifications. The order approving this "Adopted and Filed" and concluding this rulemaking can be found on the Board's Electronic Filing System (EFS) Web site, <http://efs.iowa.gov>, in Docket No. RMU-2015-0002.

The following amendments are adopted:

ITEM 1. Amend subrule 22.1(3) *Definitions* as follows:

22.1(3) *Definitions.* For administration and interpretation of these rules, the following words and terms shall have the meaning indicated below:

"Active account" refers to a customer who is currently receiving telephone service, or one whose service has been temporarily disconnected (vacation, nonpayment, storm damage, etc.).

"Adjacent exchange service" is local telephone service, including extended area service, provided to a customer via direct facility connection to an exchange contiguous to the exchange in which the customer is located.

"Average busy-season, busy-hour traffic" means the average traffic volume for the busy-season, busy-hours.

"Board" means the Iowa utilities board.

“Business service” means the service furnished to customers where the use is substantially of a business, professional, institutional, or occupational nature, rather than a social and domestic nature.

“Busy-hour” means the two consecutive half hours during which the greatest volume of traffic is handled in the office.

“Busy-season” means that period of the year during which the greatest volume of traffic is handled in the office.

“Calls” means telephone messages attempted by customers or users.

“Central office” means a unit in a telephone system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only. There may be more than one central office in a building.

“Central office access line” means a circuit extending from the central office equipment to the demarcation point.

“Channel” means an electrical path suitable for the transmission of communications.

“Check of service” or *“service check”* means an examination, test or other method utilized to determine the condition of customer-provided terminal equipment and existing or new inside station wiring.

“Class of service” means the various categories of service generally available to customers, such as business or residence.

“Competitive Local Exchange Carrier local exchange carrier” or *“CLEC”* means a utility, other than an incumbent local exchange carrier, that provides local exchange service pursuant to an authorized certificate of public convenience and necessity.

“Customer” means any person, firm, association, corporation, agency of the federal, state or local government, or legal entity responsible by law for payment for communication service from the telephone utility.

“Customer provision” means customer purchase or lease of terminal equipment or inside station wiring from the telephone utility or from any other supplier.

“Delinquent or delinquency” or “delinquency” means an account for which a bill or payment agreement for regulated services or equipment has not been paid in full on or before the last day for timely payment.

“Demarcation point” means the point of connection provided and maintained by the telephone utility to which inside station wiring becomes dedicated to an individual building or facility. For an individual dwelling, this point of connection will generally be immediately adjacent to, or within 12 inches of, the protector or the dwelling side of the protector. The drop and block, including the protector, will continue to be provided by and remain the property of the telephone utility. In the instance where a physical protector does not exist at the point of cable entrance into the building or facility, the demarcation point is defined as the entrance point of the cable into the building or facility the physical point at which a utility’s public network ends and the customer’s personal network begins. The demarcation point defines where the utility’s responsibility for maintenance ends and the consumer’s responsibility begins.

“Disconnect” means the disabling of circuitry preventing both outgoing and incoming communications.

“Due date” means the last day for payment without unpaid amounts being subject to a late payment charge or additional collection efforts.

“Exchange” means a unit established by a telephone utility for the administration of communication services.

“Exchange service” means communication service furnished by means of exchange plant and facilities.

“Exchange service area” or *“exchange area”* means the general area in which the telephone utility holds itself out to furnish exchange telephone service.

~~*“Extended area service”* means telephone service, furnished at flat rates, between end user customers located within an exchange area and all of the end user customers of an additional exchange area. Extended area service is only for calls both originating and terminating within the defined extended area.~~

“Foreign exchange service” means exchange service furnished a customer from an exchange other than the exchange regularly serving the area in which the customer is located.

“Former account” refers to a customer whose service has been permanently disconnected, and the final bill either has been paid or has been written off to the reserve for uncollectible accounts.

~~*“Held order for primary service”* means an application for establishment of primary service to a local exchange utility using its existing facilities to provide service not filled within five business days of the customer-requested date, or within 15 business days of the customer-requested date, where no facilities are available. During the period a local~~

~~exchange utility provides equivalent alternative service, the customer's order for primary service shall not be considered a held order.~~

~~"Held order for secondary service" means an application for establishment of secondary service to a local exchange utility using its facilities to provide service not filled within 30 business days or the customer requested date, whichever is later.~~

"High-volume access service (HVAS)" or "HVAS" is any service that results in an increase in total billings for intrastate exchange access for a local exchange utility in excess of 100 percent in less than six months. By way of illustration and not limitation, HVAS typically results in significant increases in interexchange call volumes and can include chat lines, conference bridges, call center operations, help desk provisioning, or similar operations. These services may be advertised to consumers as being free or for the cost of a long-distance call. The call service operators often provide marketing activities for HVAS in exchange for direct payments, revenue sharing, concessions, or commissions from local service providers.

"Inactive account" refers to a customer whose service has been permanently disconnected and whose account has not been settled either by payment or refund.

"Incumbent Local Exchange Carrier local exchange carrier" or "ILEC" means a utility, or successor to such utility, that was the historical provider of local exchange service pursuant to an authorized certificate of public convenience and necessity within a specific geographic area described in maps approved by the board as of September 30, 1992.

"Interexchange service" is the provision of intrastate telecommunications services and facilities between local exchanges, ~~and does not include EAS.~~

“Interexchange utility” means a utility, a resale carrier or other entity that provides intrastate telecommunications services and facilities between exchanges within Iowa, without regard to how such traffic is carried. A local exchange utility that provides exchange service may also be considered an interexchange utility.

“InterLATA toll service” means toll service that originates and terminates between local access transport areas.

“IntraLATA toll service” means toll service that originates and terminates within the same local access transport area.

“Intrastate access services” are services of telephone utilities which provide the capability to deliver intrastate telecommunications services which originate from end-users to interexchange utilities and the capability to deliver intrastate telecommunications services from interexchange utilities to end-users.

“Local exchange service” means telephone service furnished between customers or users located within an exchange area.

“Local exchange utility” means a telephone utility that provides local exchange service under an authorized certificate of public convenience and necessity. The utility may also provide other services and facilities such as access services.

“Message” means a completed telephone call by a customer or user.

~~*“Outside plant”* means the telephone equipment and facilities installed on, along, or under streets, alleys, highways, and private rights-of-way between customer locations, central offices or the central office and customer location.~~

~~*“Percentage of fill”* means the ratio of circuits and equipment in use to the total available multiplied by 100.~~

“Premises” means the space occupied by an individual customer in a building, in adjoining buildings occupied entirely by that customer, or on contiguous property occupied by the customer separated only by a public thoroughfare, a railroad right-of-way, or a natural barrier.

~~*“Primary service”* means the initial access to the public switched network.~~

~~*“Protector”* means a utility-owned electrical device located in the central office, at a customer’s premises or anywhere along any telephone facilities which protects both the telephone utility’s and the customer’s property and facilities from over voltage and over-current by shunting such excessive voltage and currents to ground.~~

“Rates” shall mean amounts billed to customers for local exchange service and alternative operator services.

“Retail services” means those communications services furnished by a telephone utility directly to end-user customers. For an alternative operator services company utility, the terms and conditions of its retail services are addressed in an approved intrastate tariff. For a local exchange utility, the terms and conditions of its retail services are typically addressed in a retail catalog or other format, which is not subject to board approval.

~~*“Secondary service”* means services or facilities not classified as primary service.~~

~~*“Suspend*~~ *Suspension* means temporary disconnection or impairment of service which shall disable either outgoing or incoming communications, or both.

“Switching service” means switching performed for service lines.

“Tariff” means the entire body of rates, classifications, rules, procedures, policies, etc., adopted and filed with the board by a local exchange utility for wholesale services, not governed by an interconnection agreement or commercial agreement, or by an

alternative operator services company for retail services, in fulfilling its role of furnishing communications services.

~~“Telephone station” means the telephone instrument connected to the network.~~

“Telephone utility” or “utility” means any person, partnership, business association, or corporation, domestic or foreign, owning or operating any facilities for furnishing communications service to the public for compensation.

~~“Terminal equipment” means all telephone instruments, including pay telephone equipment, the common equipment of large and small key and PBX systems and other devices and apparatus, and associated wirings, which are intended to be connected electrically, acoustically or inductively to the telecommunication system of the telephone utility.~~

“Timely payment” is a payment on a customer’s account made on or before the due date shown: (1) ~~On~~ on a current bill for rates and charges, or (2) by an agreement between the customer and a utility for a series of partial payments to settle a delinquent account.

~~“Toll connecting trunks” means a general classification of trunks carrying toll traffic and ordinarily extending between a local office and a toll office.~~

“Toll message” means a message made between different exchange areas for which a charge is made, excluding message rate service charges.

“Traffic” means telephone call volume, based on number and duration of calls.

~~“Traffic grade of service” means the decimal fraction representing the probability of a call being blocked by an all-trunks-busy condition during the average busy season, busy hour.~~

“Transitional intrastate access service” means annual reductions affecting terminating end office access service that was subject to intrastate access rates as of December 31, 2011; terminating tandem-switched transport access service subject to intrastate access rates as of December 31, 2011; and originating and terminating dedicated transport access service subject to intrastate access rates as of December 31, 2011.

“Trouble report” means any call or written statement from a customer or user of telephone service relating to a physical defect or to difficulty or dissatisfaction with the operation of telephone facilities.

“Wholesale services” means those communications services furnished by one telephone utility to another provider of communications services. The terms and conditions of wholesale services may be addressed in a telephone utility’s approved intrastate access tariff, local interconnection tariff, interconnection agreement reached under Sections 251 and 252 of the federal Telecommunications Act, or in a commercial agreement reached between the providers.

ITEM 2. Amend subrule 22.1(4) as follows:

22.1(4) Abbreviations.

AOS—Alternative Operator Services

~~EAS—Extended Area Service~~

PBX—Private Branch Exchange

ITEM 3. Amend subrule 22.2(6) as follows:

22.2(6) Information to be filed with the board

a. Each utility shall file with the board the name, title, address, and telephone number of the person who is authorized to receive, act upon, and respond to communications from the board in connection with the following:

~~—(1)a. General management duties.~~

~~—(2)b. Customer relations (complaints).~~

~~—(3)c. Engineering operations.~~

~~(4) Outages, including those occurring during nonoffice hours, pursuant to paragraph 22.2(8)“d.”~~

~~b. A copy of a new directory being distributed to customers.~~

ITEM 4. Amend rule 199--22.3(476) as follows:

199—22.3(476) General service requirements. The requirements of this rule do not apply to intrastate access service.

~~**22.3(1) Directories.** All directories published after the effective date of these rules shall conform to the following:~~

~~a. Telephone directories shall be published not less than annually, except for good cause shown, listing the name, address and telephone number of all customers unless otherwise requested by the customer. A local exchange carrier serving an exchange may choose not to publish a telephone directory if the local exchange carrier makes arrangements for publication in a directory that is commonly available in the local exchange in question.~~

~~b. Upon issuance, a copy of each directory shall be distributed without charge to all of the utility's customers locally served by that directory.~~

~~c. The year of issue or effective dates shall appear on the front cover and, if space~~

~~permits, on the binding. Information pertaining to emergency calls, such as for the police and fire departments, for each exchange listed in the directory shall appear conspicuously on the front side of the first page of the directory. The directory shall also show a summary of the names of listed exchanges.~~

~~d.—The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and information services, and location of telephone utility business offices as may be appropriate to the area served by the directory. A statement shall be included that the utility will verify the condition of a line if requested by a customer and whether any charge will apply. The directory must indicate how to order 900 and 976 blocking and indicate that the first block is without charge. The directory shall contain descriptions of all current N11 services.~~

~~e.—Directory assistance or intercept operators shall maintain records of all telephone numbers (except telephone numbers not listed or published at customer request) in the area for which they are responsible for furnishing information service.~~

~~f.—In the event of an error or omission in the name or number listing of a customer, that customer's correct name and telephone number shall be furnished to the calling party either upon request to or interception by the telephone utility.~~

~~g.—When additions or changes in plant, records, or operations which will necessitate a large group of number changes are scheduled, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.~~

~~h.—For any exchange in which an extended area call can terminate, the terminating exchange telephone utility shall provide all recently compiled directory listings, except~~

~~listings for nonpublished or nonlisted customers, to the utility from which the extended area call originates. The telephone utility shall provide the directory listing without charge, within 30 days of receipt of a written request for those listings.~~

~~i. In addition to the serving exchange directory listing required under 22.3(1)“a,” upon the customer’s request, an Iowa customer served by an out-of-state exchange shall be included in the directory list of one contiguous Iowa exchange of the customer’s choice. Any charge for such Iowa listing shall be paid by the serving exchange.~~

~~**22.3(2) Service check.** Upon the individual customer’s request, each telephone utility shall perform a service checkup to the demarcation point, without charge to the customer.~~

~~**22.3(3) Class of service.** Rescinded IAB 12/21/05 effective 1/25/06.~~

~~**22.3(4) Compliance.** Rescinded IAB 12/21/05 effective 1/25/06.~~

~~**22.3(5) Pay telephone services and facilities.** All telephone utilities shall make available to customers provisions for the interconnection of pay telephone equipment. A separate access line shall not be required for pay telephone equipment.~~

~~**22.3(6) Extension plan.** Each utility shall develop a plan, acceptable to the board, for the extensions of facilities, where they are in excess of those included in the regular rates for service and for which the customer shall be required to pay all or part of the cost. The cost required to be paid by the customer shall be the revenue received by the telephone utility for the extension of plant and shall include a grossed-up amount for the income tax effect of such revenue. The amount of tax shall be reduced by the present value of the tax benefits to be obtained by depreciating the property in determining the tax liability. This plan must be related to the investment that prudently can be made for~~

~~the probable revenue. No utility shall make or refuse to make any extensions except as permitted by the approved extension plan.~~

~~—22.3(7) Reserved.~~

~~—22.3(8) Traffic rules. Rescinded IAB 12/21/05 effective 1/25/06.~~

~~—22.3(9) Directory Assistance” Rescinded IAB 12/21/05 effective 1/25/06.~~

~~—22.3(10)~~ 22.3(1) Nonworking numbers. All nonworking numbers shall be placed upon an adequate intercept where existing equipment allows.

~~22.3(11)~~ 22.3(2) Assignment of numbers. Numbers shall be assigned in accordance with applicable Federal Communications Commission Rules.

~~a. No telephone number shall be reassigned to a different customer within 60 days from the date of permanent disconnect.~~

~~b. For customers assigned a new number within the exchange, the former working number intercept shall provide the new number to a calling party for not less than 60 days or until the issuance of a new directory. No new number information shall be provided if the customer so requests.~~

~~EXCEPTION: When a change in number is required by a telephone utility due to nonpayment of yellow page advertising, the intercept is not required to volunteer the new number to callers. The new number shall be provided to callers of the directory assistance operator.~~

~~c. If the number assigned a customer results in wrong number calls sufficient in volume to be a nuisance, the number shall be changed at no charge.~~

~~—22.3(12)~~ 22.3(3) Ordering and transferring of service. All local exchange utilities shall establish terms and conditions for ordering and transferring local exchange

service.

~~22.3(13)~~ Basic local service. Rescinded IAB 12/21/05 effective 1/25/06.

~~22.3(14)~~ **22.3(4)** Adjacent exchange service. All local exchange utilities shall allow customers to establish adjacent exchange service.

a. to c. No change.

ITEM 5. Amend rule 199—22.4(476) as follows:

199—22.4(476) Customer relations.

22.4(1) *Customer information.*

a. Each utility shall:

(1) Maintain up-to-date maps, plans, or records of its entire exchange ~~systems~~ system. These maps shall be available for board examination at a location within Iowa during regular office hours and will be provided to the board upon request. These are not the same maps as the boundary maps described in subrule 22.20(3).

(2) ~~Whenever a residential customer or prospective residential customer requests local exchange service from a utility, and the customer indicates a desire to be informed of the lowest priced service alternatives available for local exchange service, the utility shall inform that customer of the lowest priced alternative available from that utility, based only on monthly recurring rates for flat-rated services, at the relevant location. Upon their request, inform residential or prospective residential customers who request local exchange service of the lowest priced alternative available for local exchange service, based only on monthly recurring rates for flat-rated services at the relevant location.~~

(3) Notify customers affected by a change in rates or schedule classification.

(4) On a monthly basis, track service connection, held order, and service interruption performance by wire centers. Records will be provided upon request of the board and will be retained by the utility for ~~two~~ five years.

(5) Keep records on repair intervals for out-of-service trouble reports on voice services. When interruptions in service occur, service restoration priority shall be given to a residential customer who states that telephone service is essential due to an existing medical emergency of the customer, a member of the customer's family, or any permanent resident of the premises where service is rendered.

(4) (6) Furnish such additional information as the customer may reasonably request.

b. Inquiries for information or complaints to a utility shall be resolved promptly and courteously. Employees who receive customer telephone calls and office visits shall be qualified and trained in screening and resolving complaints, to avoid a preliminary recitation of the entire complaint to employees without ability and authority to act. The employee shall provide identification to the customer.

Unless a customer agrees to an alternative form of notice, local exchange utilities shall notify their customers, by bill insert or notice on the bill form, of the address and telephone number where a utility representative qualified to assist in resolving the complaint can be reached. The bill insert or notice shall also include the following statement: "If (utility name) does not resolve your complaint, the service may be subject to state regulation. You may request assistance from the Iowa Utilities Board by writing to Iowa Utilities Board, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319-0069, by calling (515)725-7321 or toll-free 1-877-565-4450, or by E-mail to customer@iub.iowa.gov."

The bill insert or notice on the bill will be provided no less than annually. A telephone utility which provides local exchange service and issues an annual directory shall publish the information set forth above in its directory in addition to a mailing.

c. A telephone utility that chooses to no longer provide or distribute a printed directory shall annually inform customers of where they can access a current online directory and that they can still receive current printed directories free of charge upon customer request through a toll-free number. . The plan shall include a link to the directory and shall be made available to the board upon request.

22.4(2) Customer deposits. Each utility may require from any customer or prospective customer a deposit intended to guarantee payment of bills for service based on the customer's credit history. No deposit other than for local exchange service is required to obtain local exchange service. ~~The deposit must reflect the limits as to low-income customers in 199 subparagraph 39.3(2)"b"(4).~~ Pursuant to 47 CFR § 54.401(c), utilities may not collect a deposit in order to initiate voice-only Lifeline service to qualifying customers.

a. Deposits for local exchange service shall not be more in amount than the maximum charge for two months of local exchange service, or as may reasonably be required by the utility in cases involving service for short periods of time or special occasions. The deposit amounts must also reflect the limits as to low-income customers in 199 subparagraph 39.3(2)"b"(4). Pursuant to 47 CFR § 54.401(c), utilities may not collect a deposit in order to initiate voice-only Lifeline service to qualifying customers.

b. Interest on customer deposits. Interest on such deposits shall be computed at 4.0

percent per annum, compounded annually. Interest shall be paid for the period beginning with the date of deposit to the date of refund or to the date that the deposit is applied to the customer's account, or to the date the customer's bill becomes permanently delinquent. The date of refund is that date on which the refund or the notice of deposit refund is forwarded to the customer's last-known address. The date a customer's bill becomes permanently delinquent, relative to an account treated as an uncollectible account, is the most recent date the account became delinquent.

c. to *i.* No change.

22.4(3) *Customer billing, timely payment, late payment charges, payment and collection efforts.* Each utility shall comply with these minimum standards.

a. to *i.* No change.

22.4(4) No change.

22.4(5) *Refusal or disconnection of service.* Notice of a pending disconnection shall be rendered and local exchange service shall be refused or disconnected as set forth in these rules. The notice of pending disconnection required by these rules shall be a written notice setting forth the reason for the notice and the final date by which the account is to be settled or specific action taken.

The notice shall be considered rendered to the customer when deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the notice shall be considered rendered when delivered to the last-known address of the person responsible for payment for the service. The final date shall be not less than five days after the notice is rendered.

One written notice, including all reasons for the notice, shall be given where more

than one cause exists for refusal or disconnection of service. This notice shall include a toll-free or collect number where a utility representative qualified to provide additional information about the disconnection can be reached. The notice shall also state the final date by which the account is to be settled or other specific action taken. In determining the final date, the days of notice for the causes shall be concurrent. Service may be refused or disconnected for any of the reasons listed below. Unless otherwise stated, the customer shall be provided notice of the pending disconnection and the rule violation which necessitates disconnection. Furthermore, unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the rule before service is disconnected. Except as provided in 22.4(5) "a," "b," "c," "d," and "e," no service shall be disconnected on the day preceding or the day on which the utility's local business office or local authorized agent is closed. Service may be refused or disconnected:

a. to h. No change.

22.4(6) to 22.4(8) No change.

ITEM 6. Rescind and reserve rule 199—22.5(476):

ITEM 7. Amend rule 199--22.6 (476) as follows:

199—22.6(476) Standards of quality of service. ~~The local exchange utility using its facilities to provide primary voice service will measure its service connection, held order, and service interruption performance monthly according to subrules 22.6(1), 22.6(2), and 22.6(3). Records of the measurements and any summaries thereof, by individual wire centers, will be provided upon request of the board. Records of these measurements will be retained by the utility for two years.~~

22.6(1) Service connection. Each ~~local exchange~~ utility ~~using its facilities to provide~~ providing local exchange service shall make all reasonable efforts to maintain a five-business-day standard for ~~primary~~ the connection of voice service or ~~within~~ by the customer-requested voice service connection date. ~~All reasonable efforts to maintain the above standard shall be measured by the following:~~

~~— a. — Eighty-five percent of all customers provided service within five business days of the request or the customer-requested date, whichever is later. Compliance will be measured based on a three-month rolling average.~~

~~— b. — Ninety-five percent of all customers provided service within ten business days of the request or the customer-requested date, whichever is later. Compliance will be measured based on a three-month rolling average.~~

ε. Ninety-nine percent of all customers shall be provided service within 30 business days of the request or the customer-requested date, whichever is later. ~~Compliance will be measured based on a three-month rolling average.~~

22.6(2) *Held orders.*

a. During such period of time as a ~~local exchange~~ utility ~~using its facilities to provide~~ providing local exchange voice service may not be able to supply ~~primary telephone~~ service to prospective customers within five business days after the date applicant desires service, the ~~telephone~~ utility shall keep a record, by exchanges, showing the name and address of each applicant for service, the date of application, the date that service was requested, and the class of service applied for, together with the reason for the inability to provide new service to the applicant.

b. When, ~~because of a shortage of facilities,~~ a utility is unable to supply ~~primary~~

~~telephone~~ voice service on the date requested by ~~applicants,~~ the applicant, first priority shall be given to furnishing those services which are essential to public health and safety. In cases of prolonged shortage or other emergency, the board may require establishment of a priority plan, subject to its approval for clearing held orders, and may request periodic reports concerning the progress being made.

~~c. — When the local exchange utility using its facilities to provide service fails to provide primary local exchange service to any customer requesting service within 15 business days, the local exchange utility shall provide the customer with an alternative form of service until primary local exchange service can be provided. The alternative form of service provided shall be wireless telephone service unless the customer agrees otherwise.~~

~~d. — If an alternative form of primary service is provided, the local exchange utility is authorized to charge the customer the regular rates (if applicable) for the alternative primary service ordered, if such rates are less than the regulated rate for primary local exchange service. Otherwise, the customer will be charged the regulated rate for primary local exchange service. Where an alternative form of service is impossible to provide, the facilities-based local exchange utility shall waive all usual installation charges and, once primary local exchange service is provided, shall credit the customer's account in an amount equal to the pro-rata monthly primary local exchange charge for each day service was not provided.~~

22.6(3) Service interruption.

a. Each telephone utility using its facilities to provide primary providing local exchange service shall make all reasonable efforts to prevent interruptions of service.

When interruptions are reported or found by the utility to occur, the utility shall reestablish service with the shortest possible delay. Priority shall be given to a residential customer who states that telephone service is essential due to an existing medical emergency of the customer, a member of the customer's family, or any permanent resident of the premises where service is rendered. ~~All reasonable efforts shall be measured by the following:~~

~~(1) Eighty-five percent of all out-of-service trouble reports cleared within 24 hours.~~

~~Compliance will be measured based on a three-month rolling average.~~

~~(2) Ninety-five percent of all out-of-service trouble reports cleared within 48 hours.~~

~~Compliance will be measured based on a three-month rolling average.~~

~~(3) One hundred Ninety-nine percent of all out-of-service trouble reports shall be cleared within 72 hours.~~

~~(4) The response time for all utilities responsible to test and attempt to correct any interexchange trunk problem, except a total outage, shall be within 24 hours after the problem is reported. If the problem is not corrected within that time, the utility responsible for doing so shall keep all other affected telephone utilities advised as to the current status on a daily basis. For a total outage, the response time shall be immediate.~~

~~b. Arrangements shall be made to have adequate personnel and equipment available to receive and record trouble reports and also to clear trouble of an emergency nature at all times.~~

~~c. Calls directed to the published telephone numbers for service repair or the business offices of the telephone utility shall be acknowledge within 20 seconds for 85 percent of~~

~~all such calls and within 40 seconds for 100 percent of all such calls.~~

~~d. If a customer's service must be interrupted due to maintenance, the utility shall notify the affected customer, in advance, if possible. The company shall perform the work to minimize inconvenience to the customer and strive to avoid interruptions when there is conversation on the line.~~

~~e.~~ b. Each ~~telephone~~ utility shall keep a written record showing all interruptions affecting service in a major portion of an exchange area for a minimum of ~~six~~ five years. This record shall show the date, time, duration, time cleared and extent and cause of the interruption. This record shall be available to the board upon request.

~~f. Whenever a trouble report is received, a record shall be made by the company and if repeated within a 30-day period by the same customer, the case shall be referred to an individual for permanent correction.~~

~~g. When a customer's service is reported or is found to be out of order, it shall be restored as promptly as possible.~~

~~h. Each local exchange utility using its facilities to provide service shall maintain its network to reasonably minimize customer trouble reports. The rate of customer trouble reports on the company side of the demarcation point will not exceed four per 100 access lines per month per wire center.~~

~~i.~~ c. When a subscriber's service is interrupted and remains out of service for more than 24 consecutive hours after being reported to the local exchange company or being found by the company to be out of order, whichever occurs first, the company shall make appropriate adjustments to the subscriber's account. This rule does not apply if the outage occurs as a result of:

- (1) A negligent or willful act on the part of the subscriber;
- (2) A malfunction of subscriber-owned telephone equipment;
- (3) Disasters or acts of God; or
- (4) The inability of the company to gain access to the subscriber's premises.

The adjustment, either a direct payment or a bill credit, shall be the proportionate part of the monthly charges for all services and facilities rendered inoperative during the interruption. The adjustment shall begin with the hour of the report or discovery of the interruption. Adjustments not in dispute shall be rendered within two billing periods after the billing period in which the interruption occurred.

d. When a company is unable to restore voice service within 24 hours after the problem is reported or is found by the company to be out of order, first priority shall be given to restoring those services which are essential to public health and safety.

e. When the company fails to restore voice service to any customer within 72 hours after the problem is reported or is found by the company to be out of order, the company shall provide the customer with an alternative form of service until voice service can be provided. The alternative form of service provided shall be wireless telephone service unless the customer agrees otherwise.

- (1) Where an alternative form of service is impossible to provide, or if a customer already has a reliable alternative form of service, the company may credit the customer's account in an amount equal to the pro rata monthly local exchange charge for each 24-hour day service was not provided, provide the customer with a credit to be applied to the customer's existing wireless telephone service, or provide the customer with a mutually agreed upon alternative form of service.

~~22.6(4) Repair—missed appointments. When a utility makes an appointment for installation or repair within a given range of time, and misses that appointment by over an hour, the customer will receive one month's primary local service free of charge. This is applicable to each missed appointment.~~

~~—22.6(5)~~ 22.6(4) Emergency operation.

a. Each telephone utility shall make reasonable provisions to meet emergencies resulting from failures of power service, climate control, sudden and prolonged increases in traffic, illness of operators, or from fire, explosion, water, storm, or acts of God, and each telephone utility shall inform affected employees, at regular intervals not to exceed one year, of procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telephone service.

b. ~~All central offices shall have adequate provision for emergency power. Each central office shall contain a minimum of two hours of battery reserve. For offices without permanently installed emergency power facilities, there shall be access to a mobile power unit with enough capacity to carry the load which can be delivered on reasonably short notice and which can be readily connected.~~

~~—c. —An auxiliary power unit shall be permanently installed in all toll centers and at all exchanges exceeding 4,000 access lines.~~

~~—d.~~ b. Each local exchange utility shall maintain and make available for board inspection, its current plans for emergency operations, including the names and telephone numbers of the local exchange utility's disaster services coordinator and alternates.

~~—22.6(6) Business offices.~~

~~a. — Each local exchange utility shall have one or more business offices or customer service centers staffed to provide customer access to qualified personnel, including supervisory personnel where warranted, to provide information relating to services and rates, accept and process applications for service, explain charges on customers' bills, adjust charges made in error, and, generally, to act as representatives of the local exchange utility. If one business office serves several exchanges, toll-free calling from those exchanges to that office shall be provided.~~

~~b. — Upon the closing of any local exchange utility's public business office, the company must provide to the board, in writing, at least 30 days prior to the closing of the office the following information:~~

- ~~(1) — The exchange(s) and communities affected by the closing;~~
- ~~(2) — The date of the closing;~~
- ~~(3) — A listing of other methods and facility locations available for payment of subscribers' bills in the affected exchanges; and~~
- ~~(4) — A listing of other methods and locations available for obtaining public business office services.~~

ITEM 8. Amend rule 199—22.7(476) as follows:

~~22.7(1) Protective measures.~~

a. 22.7(1) Each utility shall exercise reasonable care to reduce the hazards to which its employees, its customers or users and the general public may be subjected.

b. 22.7(2) The utility shall give reasonable assistance to the board in the investigation of the cause of accidents and in the determination of suitable means of preventing

accidents.

- e. **22.7(3)** Each utility shall maintain a summary of all reportable accidents arising from its operations.

~~**22.7(2) Safety program.** Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program should:~~

- ~~a. Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.~~
- ~~b. Instruct employees in safe methods of performing their work.~~
- ~~c. Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.~~

ITEM 9. Rescind and reserve rule 22.8(476).

ITEM 10. Rescind and reserve rule 22.9 (476).

ITEM 11. Rescind and reserve rule 22.10 (476).

ITEM 12. Rescind and reserve rule 22.11 (476).

ITEM 13. Amend subparagraph 22.14(2)"d"(1) as follows:

(1) Carrier common line charge. The rate for the intrastate carrier common line charge shall be three cents per access minute or fraction thereof for the originating segments of the communication unless a lower rate is required by the transitional intrastate access service reductions or if numbered paragraphs paragraph "1" and "2" are is applicable. The carrier common line charge shall be assessed to exchange access made by an interexchange telephone utility, including resale carriers. In lieu of this charge, interconnected private systems shall pay for access as provided in 22.14(1)"b."

1. Incumbent local exchange carrier intrastate access service tariffs shall include the

carrier common line charges approved by the board.

2. A competitive local exchange carrier that concurs in the access services tariff of the Iowa Communications Alliance shall deduct the originating and terminating carrier common line charge from its intrastate access service tariff.

ITEM 14: Amend subrule 22.14(4) as follows:

22.14(4) Notice of intrastate access service tariffs.

- a. Each telephone utility that files new or changed tariffs relating to access charges, or access service, or the recording function associated with billing and collection for access services shall give written notice of the new or changed tariffs to the utility's interexchange utility access customers, the board, and the consumer advocate. Notice shall be given on or before the date of filing of the tariff. The notice shall consist of: the file date, the proposed effective date, a description of the proposed changes, and the tariff section number where the service description is located. If two or more local exchange utilities concur in a single tariff filing, the local exchange utilities may send a joint written notice to the board, consumer advocate, and the interexchange utilities.
- b. No change.

ITEM 15. Amend subrule 22.17(1) as follows:

22.17(1) Any landlord, owner, tenant association, or otherwise affiliated group shall be permitted to provide communications services within or between one or more buildings with a community of interest. The provision of this service will be treated as a deregulated service, if the following requirements are met:

- a. No person within a building or facility providing resale services shall be denied access to the local exchange carrier. The local exchange carrier shall provide service

~~at normal tariffed rates~~ to the point of demarcation. The end-user shall be responsible for service beyond that point. However, no person shall unreasonably inhibit the end-user's access to the local exchange carrier.

~~b. Telephone rates charged to resale providers of communications services under this rule shall be made on the same basis as business service.~~

c. b. "Community of interest" will normally be indicated by joint or common ownership, but any other relevant factors may be considered.

ITEM 16: Amend subrule 22.20(1) as follows:

22.20(1) *Issuance of certificates of authority to utilities on or prior to September 30, 1992.* The initial nonexclusive certificate of authority will be issued by the board on or before September 30, 1992, to each land-line telephone utility providing local telecommunications service in Iowa. The certificate will authorize service within the territory as shown by boundary maps in effect on January 1, 1992, but will reference and include modifications approved by the board prior to the issuance of the certificate. ~~The certificate will be in the form of an order issued by the board and may be modified only by subsequent board orders.~~ If a utility disputes the boundary identified in the January 1, 1992, maps or in a certificate, it may file an objection with the board. After notice to interested persons and an opportunity for hearing, the board will determine the boundary.

ITEM 17: Amend subrule 22.20(2) as follows:

22.20(2) *Procedures to revise maps and modify certificates.* All territory in the state shall be served by a local exchange utility and inappropriate overlaps of service territories are to be avoided.

a. No change.

b. The boundary filing must include the name of each affected customer and justification for the proposed boundary, including a detailed statement of why the proposal is in the public interest. Prior to filing with the board, the serving utilities must notify interested persons of a convenient location where they can view the current and proposed maps, or copies of the maps covering their location must be mailed to them. The notice shall state the nature of the boundary filing and that any objections must be filed with the board through its electronic filing system or mailed to the board postmarked within 14 days of the mailing of the notice by the utility. The utility's filing shall also include a copy of the notice and the date on which the notice was mailed to customers.

c. No change.

d. If the utilities cannot agree on the boundary, or if an interested person timely files in the board's electronic filing system or mails material objections to the proposed boundary, the board will resolve the issues in contested case proceedings to revise the maps and modify the certificates after notice of the proceedings to all affected utilities and interested persons.

e. and f. No change.

ITEM 18: Amend paragraph 22.20(3)"a" as follows:

a. ~~If a utility files~~ The scale of a paper boundary map, ~~the map shall be on a scale of~~ one inch to the mile. If a utility files a boundary map in an electronic format, the relevant scale shall be noted in the filing. Any revisions to a utility's boundary map shall be filed in an electronic format. Boundary maps shall include information equivalent to

the county maps which are available from the Iowa department of transportation, showing all roads, railroads, waterways, plus township and range lines outside the municipalities. A larger scale shall be used where necessary to clarify areas. All map details shall be clean-cut and readable.

(1) to (4) No change.

ITEM 19. Rescind and reserve rule 199—22.21(476).

ITEM 20. Amend subrule 22.23(2) as follows:

22.23(2) *Prohibition of unauthorized changes in telecommunications service.*

Unauthorized changes in telecommunications service, including but not limited to cramming and slamming, are prohibited.

a. Verification required. No service provider shall submit a preferred carrier change order or other change in service order to another service provider unless and until the change has first been confirmed in accordance with one of the following procedures:

(1) to ~~(5)~~(3) No change.

(4) The local service provider may change the preferred service provider, for customer-originated changes to existing accounts only, through maintenance of sufficient internal records to establish a valid customer request for the change in service. At a minimum, any such internal records must include the date and time of the customer's request and adequate verification of the identification of the person requesting the change in service. The burden will be on the telecommunications carrier to show that its internal records are adequate to verify the customer's request for the change in service.

All verifications shall be maintained for at least two years from the date the change

in service is implemented and all complaints regarding a change in preferred service provider must be brought within two years of the date the change in service is implemented. Verification of service freezes shall be maintained for as long as the preferred carrier freeze is in effect.

(5) No change.

b. Letter of agency form and content.

(1) No change.

(2) The letter of agency shall be a separate document (or an easily separable document) containing or located on a separate screen or Web page and contain only the authorizing language described in subparagraph (5) below having the sole purpose of authorizing a service provider to initiate a preferred service provider change. The letter of agency must be signed and dated by the customer to the telephone line(s) requesting the preferred service provider change. A local exchange carrier may use a written or electronically signed letter of agency to obtain authorization and/or verification of a subscriber's request to change service.

(3) The letter of agency shall not be combined on the same document, screen, or Web page with inducements of any kind.

(4) to (8) No change.

c. No change.

d. Preferred carrier freezes.

(1) to (3) No change.

(4) Solicitation and imposition of preferred service provider freezes.

1. No change.

2. No local exchange carrier shall implement a preferred service provider freeze unless the customer's request to impose a freeze has first been confirmed in accordance with one of the following procedures:
- The local exchange carrier has obtained the customer's written ~~and~~ or electronically signed authorization in a form that meets the requirements of 22.23(2) "d"(4)"3"; or
 - The local exchange carrier has obtained the customer's electronic authorization, placed from the telephone number(s) on which the preferred service provider freeze is to be imposed, to impose a preferred service provider freeze. The electronic authorization shall confirm appropriate verification data and the information required in 22.23(2) "d"(4)"3." Service providers electing to confirm preferred service provider freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a customer to a voice response unit, or similar mechanism that records the required information regarding the preferred service provider freeze request, including automatically recording the originating automatic numbering identification; or
 - An appropriately qualified independent third party has obtained the customer's oral authorization to submit the preferred service provider freeze and confirmed the appropriate verification data and the information required in 22.23(2) "d"(4)"3." The independent third party must not be owned, managed, or directly controlled by the service provider or the service provider's marketing agent; must not have any financial incentive to confirm preferred service provider freeze requests for the service provider or the service provider's marketing agent; and must operate in a location physically separate from the service provider or the service provider's marketing agent. The

content of the verification must include clear and conspicuous confirmation that the customer has authorized a preferred service provider freeze.

3. No change.

(5) All local exchange service providers who offer preferred service provider freezes must, at a minimum, offer customers the following procedures for lifting a preferred service provider freeze:

1. A local exchange service provider administering a preferred service provider freeze must accept a customer's written ~~and~~ or electronically signed authorization stating the intention to lift a preferred service provider freeze; and

2. No change.

e. Procedures in the event of sale or transfer of customer base. A telecommunications carrier may acquire, through a sale or transfer, either part or all of another telecommunications carrier's customer base without obtaining each customer's authorization in accordance with 199 IAC 22.23(2) "a," provided that the acquiring carrier complies with the following procedures. A telecommunications carrier may not use these procedures for any fraudulent purpose, including any attempt to avoid liability for violations under 199 IAC 22.23(2) "a."

(1) to (3) No change.

ITEM 21. Amend paragraph 22.23(5)"c" as follows:

c. Collection. A civil penalty collected pursuant to this subrule shall be forwarded by the executive secretary of the board to the treasurer of state to be credited to the ~~general~~ revolving fund of the state and to be used only for consumer education programs administered by the board.