

**STATE OF IOWA  
DEPARTMENT OF COMMERCE  
IOWA UTILITIES BOARD**

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<b>In the Matter of</b>	)	
	)	<b>Docket No. FCU-2013-0007</b>
<b>The Complaint of Carolyn Frahm</b>	)	<b>(C-2013-0025)</b>
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**VERIZON’S MOTION FOR CLARIFICATION**

Pursuant to Iowa Code § 476.3 and 199 Iowa Administrative Code 7.12, MCI Communications Services, Inc. d/b/a Verizon Business Services (“Verizon”) respectfully moves for clarification of the July 15, 2013 “Order Granting Request for Formal Proceeding and Assigning to Administrative Law Judge” (“*Order*”). For the reasons discussed below, the Board should clarify that Verizon is not the subject of the instant complaint, is not a party to this formal proceeding, and need not incur the costs and resource consumption of further participation.

**Introduction**

The underlying complaint that resulted in this proceeding is *not* against Verizon: it is against Complainant’s long distance provider, Windstream of the Midwest, Inc. (“Windstream”). Complainant’s intrastate long distance calls to Mediapolis were apparently not completing reliably when Windstream was using its original underlying call router. Once Windstream changed its call routing to use Verizon as the underlying provider, Complainant’s difficulties stopped. Thus, the only reason Verizon has been referenced is that the call completion problems alleged by Complainant *ceased* once Windstream changed its underlying call routing provider to Verizon.

While Verizon does not take issue with the Board investigating the circumstances surrounding the services provided by Windstream and its prior underlying carrier in an attempt to determine the cause of the call completion problems experienced by Complainant, Verizon should not have to incur the costs of participation in this proceeding because those problems *stopped* once Windstream changed the call routing to Verizon. To find otherwise would effectively sanction Verizon for providing reliable service (and thus, “reasonably adequate service” consistent with the obligations set forth in Iowa Code § 476.3(1)), which is neither the purpose of Iowa Code § 476.3, nor good public policy.

### **Discussion**

Complainant alleged that after having experienced difficulties completing calls to a friend in Mediapolis with her prior long distance provider, she changed her carrier to Windstream. *Order* at 1. When the problems nonetheless persisted, Complainant contacted Windstream to complain. *Id.* at 2. In response, Windstream changed the routing of Complainant’s calls from its then-current underlying call router to Verizon (having first tested to ensure that calls would successfully complete through Verizon’s network). Following the switch to Verizon, Complainant confirmed that her call completion troubles had ceased. *See* C-File for C-2013-0025 (“C-File”), Complainant’s March 25, 2013 e-mail to Board Staff (Complainant directed Windstream “to change the routing on my phone” and “[s]ince that time, I have had no trouble calling this number.”); *see also Order* at 3 (after underlying router was changed to Verizon, Complainant stated that “she has not had any trouble calling the Mediapolis telephone number.”).<sup>1</sup>

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<sup>1</sup> Thus, while the *Order* is technically correct in stating that Verizon is one of the “various carriers identified in the course of the investigation as involved in the call routing” (*Order* at 2), it is inaccurate to the extent it implies that Verizon was involved in the call routing *at the time Complainant experienced problems completing calls to*

Thus, while Verizon's name appears in various documents related to this proceeding, it is because Complainant's calls completed properly once Windstream stopped using its prior call router and began using Verizon instead.<sup>2</sup> At the time of the problems, Verizon was neither Complainant's long distance carrier, nor the underlying call router for her carrier. In other words, Verizon was not the *cause* of the problem, but the *solution*, and thus should not be compelled to expend internal employee resources and potentially costly attorneys' fees participating in this proceeding.

Verizon has no information regarding Windstream's network or the call router Windstream was using at the time Complainant experienced her call completion difficulties, and thus has no information regarding the root cause of the call completion troubles alleged here. While it may be of general interest to try to understand why some carriers complete calls successfully while others fail, that does not constitute reasonable grounds under Iowa Code § 476.3 to subject carriers providing reliable service to the costs of an investigation, particularly when, as here, they simply handled calls per their usual practices and took no special actions. It would set troubling precedent to investigate carriers for offering services that function as they should.

**WHEREFORE**, for all of the reasons stated above, MCI Communications Services, Inc. d/b/a Verizon Business Services respectfully requests that the Board clarify that Verizon is not the subject of Complainant's complaint, is not a party to this formal proceeding and need not participate further.

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Mediapolis; rather, Verizon was involved in the call routing only later, when Windstream replaced its prior router with Verizon, after which change Complainant experienced "no trouble."

<sup>2</sup> Indeed, Verizon has not been named as a party, and in discussing the grounds for investigation, the *Order* references paragraphs of the Request for Formal Proceeding that have nothing to do with Verizon. *Order* at 6-7.

Dated: July 19, 2013

**MCI Communications Services, Inc. d/b/a Verizon  
Business Services.**

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