

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  AMENDMENTS TO TELEPHONE SERVICE REGULATIONS [199 IAC 22]	DOCKET NO. RMU-2014-0003
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**ORDER COMMENCING RULE MAKING**

(Issued March 20, 2015)

On April 25, 2014, Governor Branstad signed into law Senate File 2195 (SF 2195), which amends various sections of Iowa Code chapters 476 and 477 in response to an increasingly competitive telecommunications industry in Iowa. One of the amendments resulting from the enactment of SF 2195 is the elimination of retail tariff requirements for local exchange carriers (LECs). This new law, which will be codified in Iowa Code § 476.4(2), became effective on July 1, 2014, and requires telephone utilities to file tariffs only for wholesale services on or before January 1, 2015.

The Board's rules regarding the provision of telecommunications services in 199 IAC chapter 22 contain multiple references to retail tariffs and retail tariff requirements. These rule provisions must be amended in order to implement the new provisions of § 476.4(2).

On May 30, 2014, the Iowa Utilities Board (Board) issued an "Information Order and Order Requesting Responses" in this docket to initiate the process of

amending its administrative rules to address the requirements of SF 2195. The Information Order provided initial instructions to LECs for the withdrawal of retail tariffs prior to January 1, 2015. The Information Order also noted that the Board's rules regarding the provision of telecommunications services contain numerous references to retail tariffs and retail tariff requirements that require modification to reflect the recent changes to § 476.4(2).

The Board also stated in the Information Order that there are other rules in 199 IAC chapter 22 that may be addressed in this rule making due to the changes brought about by SF 2195. For example, the inclusion of minimum customer service standards and liability limits in the Board's rules may be necessary to compensate for the removal of similar language that has historically been included in a typical local exchange retail tariff.

Moreover, there are rules in 199 IAC chapter 22 that are no longer relevant since the Board's last comprehensive revision of general telecommunications rule making proceeding in Docket No. RMU-2008-0006. For example, the Board's intrastate access rules in 199 IAC 22.14(2) continue to provide that a three cents per minute carrier common line charge (CCLC) may be assessed on both originating and terminating exchange access traffic. However, the Federal Communications Commission (FCC) has prohibited the use of a terminating CCLC. The Board also noted that there are likely to be other rules in 199 IAC chapter 22 in need of revision due to changes in the telecommunications industry.

In the May 30, 2014, Information Order, the Board requested responses from all interested telecommunications providers to advise the Board of any relevant considerations associated with the implementation of SF 2195 and the removal of local exchange retail tariffs from the Board's rules. In addition, the Board requested responses regarding any other necessary or beneficial rule changes in 199 IAC chapter 22 due to ongoing changes in the telecommunications industry.

Responses to the Board's Information Order were received from Qwest Corporation, d/b/a CenturyLink QC (CenturyLink), the Iowa Communications Alliance (ICA), and the Consumer Advocate Division of the Department of Justice (Consumer Advocate).

CenturyLink asked that the Board utilize an open process to encourage discussion regarding necessary changes to chapter 22 in response to a changing communications industry. CenturyLink also pointed out that the Board should be aware of terms and conditions that apply to certain providers of voice services but may not apply to others.

ICA recommended that the revised rules define, or redefine, exactly the type of retail relationships that are now subject to regulation. Like CenturyLink, ICA asked that the Board consider an open process to encourage a comprehensive revision of 199 IAC chapter 22 to identify all relevant topics, including carriers' concurrence in the ICA's model access tariff and the definition of service areas and exchanges

served by LECs. ICA also recommended that the Board's revised rules maintain some process by which a LEC's service area can be readily identified.

Consumer Advocate suggested that the Board exercise caution when amending its rules that refer to tariff requirements so that relevant standards governing a LEC's conduct of business are retained. Consumer Advocate asserted that while the specific format of a tariff may no longer be required, the underlying purpose of tariffs, i.e., informing customers about the terms and conditions of service, allowing customers to make an informed decision, and minimizing misinterpretation and disputes, remains an important objective.

Consumer Advocate also recommended that the Board work to adopt minimum service standards that are as technology-neutral as possible because the technology and engineering differences between various types of voice services are transparent to customers.

Consumer Advocate stated that 199 IAC chapter 22 covers a far-ranging list of subjects, many of which, including switched access services, require review at this time and would likely benefit from an open discussion process seeking industry perspective.

Generally, CenturyLink, ICA, and Consumer Advocate asked that the Board consider changes to its rules that are technology neutral, specifically relating to Voice over Internet Protocol (VoIP) services, and asked that the Board receive additional input from the telecommunications industry in Iowa when considering such changes.

The Board agrees with CenturyLink, ICA, and Consumer Advocate that an open or workshop process may be beneficial before addressing the question of whether modifications are necessary in order to have technology-neutral standards that are equally applicable to wireline, VoIP, cable VoIP, and other types of services. However, SF 2195 provides for the removal of retail local exchange tariffs from Board regulation January 1, 2015. If the Board schedules a workshop to address the issues relating to rules that are technology neutral, as well as other issues such as those involving alternative operator services, rural call termination, and slamming or cramming rules, the completion of the tariff removal objective of SF 2195 would be delayed further. Therefore, the Board will reserve those issues for a second rule making so that there will be sufficient time to conduct industry workshops prior to amending the relevant rules. With respect to the removal of retail tariffs from the Board's rules, the established rule making process provides sufficient opportunity for an open dialog among interested parties regarding necessary changes to the Board's rules in a timely manner.

The Board's Notice of Intended Action, which is attached to this order, propose revisions to the Board's rules in 199 IAC chapter 22 that reflect the changes brought about by SF 2195. The following is a summary of the proposed revisions.

The Board proposes to amend several rules throughout chapter 22 by striking requirements to retail tariffs for local exchange carriers. In addition, in response to a suggestion offered by ICA, 199 IAC 22.1 is proposed to be clarified so that the

provisions of chapter 22 address three distinct types of telephone utilities, namely local exchange utilities, interexchange utilities, and alternative operator service companies. Accordingly, there are additional proposed amendments to various sections of chapter 22 that clarify which of these three types of telephone utilities are subject to a particular rule provision.

Definitions for “retail services” and “wholesale services” have been added to 199 IAC 22.1(3) to define the new tariffing requirements for both services. Additionally, the current definition of “tariff” has been revised to clarify that wholesale tariffs remain applicable to local exchange utilities while retail tariffs remain applicable only to alternative operator service companies. Subrule 22.1(6) contains a listing of all the actions involving the deregulation of telecommunications services since 1982 as well as an explanation of the retail detariffing requirements of SF 2195.

In response to a suggestion offered by Consumer Advocate, a proposed amendment to subrule 199 IAC 22.4(1) would provide customers access to information that was previously contained in retail tariffs. Specifically, a rule has been proposed to require telephone utilities to make schedules of their retail rates available to customers upon request. Additionally, a rule has been proposed to require local exchange utilities to develop a service guide or catalog listing procedures for addressing residential customer service provisions. Finally, the Board’s proposed rule regarding bill inserts would require utilities to notify customers

that rate information and residential service guides are available upon request when utilities notify customers annually of the Board's complaint resolution processes.

The Board also proposes rule amendments to address two aspects of the Board's intrastate access rules that are in need of change. The first concerns the changes announced by the FCC in its Transformation Order<sup>1</sup> that eliminate, over time, per-minute terminating access rates and transition them to a system of bill-and-keep. Based on those changes, the Board proposes new definitions in 199 IAC 22.1(3) for the terms "bill-and-keep" and "transitional intrastate access service." The Board also proposes amendments to rule 199 IAC 22.14(2) to reflect FCC rules requiring LECs to file revised intrastate access tariffs by July 1 of each year until terminating rates are reduced to bill-and-keep and to eliminate the carrier common line charge for terminating access service.

The second concerns the dispute resolution aspect of intrastate access service. The Board proposes to amend rule 22.14, which cross-references the billing dispute provisions outlined in 199 IAC 22.4(5)"h"(3), to clarify that the Board's retail customer billing dispute process also applies to wholesale customer intrastate access billing disputes. Additionally, the Board proposes to amend rule 22.14 to add a cross-reference to the Board's discontinuance of service rule, 22.16, and to require a utility to provide the Board and Consumer Advocate at least two business days'

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<sup>1</sup> See "Report and Order and Further Notice of Proposed Rulemaking," WC Docket No. 10-90, et al., released November 18, 2011 (Transformation Order).

notice before attempting to disconnect another carrier for an intrastate access billing dispute.

The Board also proposes to amend 199 IAC 22.20 regarding service territories and certificates. First, the proposed map specification rule of 22.20(3)“a” would allow flexibility on the prescribed map scale when a boundary map is filed electronically with the Board.

Second, the “subsequent certificates” rule under 22.20(4) would be updated and renamed “certificate modifications.” The proposed rule addresses the transfer of service territories and customers from one local exchange carrier to another. In addition, the proposed rule revises the process for expanding a local exchange utility’s service territory into additional competitive exchanges after the detariffing of local exchange service. This proposed process requires local exchange utilities to file a notice with the Board that lists the exchanges where the utility currently provides ILEC services and CLEC services as well as the names of the exchanges where the utility proposes to expand its provision of CLEC services. This revised notice process will allow the Board and other utilities to track the expansion of local exchange competition in Iowa.

The Board also proposes changes to a number of miscellaneous rules that no longer appear relevant as well as changes to the customer notification procedures for rate changes under 26.5(1) that fall into compliance with the requirements of SF 2195.

**IT IS THEREFORE ORDERED:**

1. A rule making proceeding identified as Docket No. RMU-2014-0003 is commenced for the purpose of receiving comments on the proposed amendments in the "Notice of Intended Action" attached hereto and incorporated by reference in this order.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a "Notice of Intended Action" in the form attached to and incorporated by reference in this order.

**UTILITIES BOARD**

/s/ Elizabeth S. Jacobs

/s/ Nick Wagner

ATTEST:

/s/ Joan Conrad  
Executive Secretary

/s/ Sheila K. Tipton

Dated at Des Moines, Iowa, this 20<sup>th</sup> day of March 2015.

## **UTILITIES DIVISION [199]**

### **Notice of Intended Action**

Pursuant to Iowa Code sections 17A.4 and 476.2, the Utilities Board (Board) gives notice that on March 20, 2015, the Board issued an order in Docket No. RMU-2014-0003, In re: Amendments to Telephone Service Regulations [199 IAC 22], “Order Commencing Rule Making,” proposing to update the Board’s rules regarding the provision of telecommunications services. On April 25, 2014, Governor Branstad signed into law Senate File 2195 (SF 2195), which amends various sections of Iowa Code chapters 476 and 477 in response to an increasingly competitive telecommunications industry in Iowa. One of the amendments resulting from the enactment of SF 2195 is the elimination of retail tariff requirements for local exchange carriers (LECs). This new law, which will be codified in Iowa Code § 476.4(2), became effective on July 1, 2014, and no longer requires telephone utilities to file retail tariffs after January 1, 2015. The Board’s rules governing the provision of telecommunications services are found at 199 IAC chapter 22 and contain multiple references to retail tariffs and retail tariff requirements. The proposed amendments are necessary to eliminate outdated provisions and to implement the new provisions of §476.4(2).

To develop the proposed amendments, the Board sought early input from stakeholders. On May 30, 2014, the Board issued an “Information Order and Order Requesting Responses” in this docket to initiate the process of amending its administrative rules to address the requirements of SF 2195. The Information Order provided initial instructions to LECs for the withdrawal of retail tariffs prior to January 1,

2015. The Information Order also explained the Board's intent to update its rules in 199 IAC chapter 22 that contain references to retail tariffs, require changes due to the enactment of SF 2195, and are no longer relevant. The Board requested responses from all interested stakeholders. The Board received three responses to the Information Order. Generally, the responses agreed that the rules need to be revised and offered preliminary suggestions as to how the rules could be amended.

The order approving this "Notice of Intended Action" and commencing this rulemaking can be found on the Board's Electronic Filing System (EFS) Web site, <http://efs.iowa.gov>, in Docket No. RMU-2014-0003.

After analysis and review, the Board tentatively concludes that the proposed amendments, if adopted, will not have a detrimental effect on jobs in Iowa.

Pursuant to Iowa Code sections 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before April 27, 2015. The statement should be filed electronically through the Board's EFS Web site. Instructions for making an electronic filing can be found on the EFS Web site at <http://efs.iowa.gov>. Any person who does not have access to the Internet may file comments on paper pursuant to 199 IAC 14.4(5). An original and ten copies of paper comments must be filed. Both electronic and written filings shall comply with the format requirements in 199 IAC 2.2(2) and clearly state the author's name and address and make specific reference to this docket. All paper communications should be directed to the Executive Secretary, Iowa Utilities Board, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319-0069

An opportunity for interested persons to present oral comments on the proposed amendments will be held at 9 a.m. on Tuesday, June 2, 2015, in the Board's hearing room at the address listed above. Persons with disabilities who require assistive services or devices to observe or participate should contact the Board at (515) 725-7334 at least five days in advance of the scheduled date to request that appropriate arrangements be made.

The amendments are intended to implement Iowa Code sections 17A.4 and 476.2.

The following amendments are proposed:

ITEM 1. Amend Title of chapter 22 as follows:

~~RATES CHARGED AND SERVICE SUPPLIED BY TELEPHONE UTILITIES~~

ITEM 2. Amend subrule 22.1(1) as follows:

**22.1(1)** Application and purpose of rules. The rules shall apply to any telephone utility operating within the state of Iowa subject of Iowa Code chapter 476, and shall supersede all conflicting rules of any telephone utility which were in force and effect prior to the adoption of their superseding rules. Unless otherwise indicated, "Telephone utility" or "utility" shall mean ~~both~~ local exchange utility, interexchange utility, ~~and/or~~ alternative operator services company. These rules shall be construed in a manner consistent with their intent:

a. To allow fair competition in the public interest while ensuring the availability of safe and adequate communications service to the public.

b. To provide uniform, reasonable standards for communications service provided by telephone utilities.

c. To ensure that the provision of service of local exchange utilities and the charges of alternative operator services companies for communications service, and regulated services rendered in connection therewith, will be reasonable and just.

d. To ensure that no telephone utility shall unreasonably discriminate among different customers or service categories.

ITEM 3. Amend subrule 22.1(3) as follows:

**22.1(3) Definitions.** For the 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.

~~*“Base rate area”* means the developed portion or portions within each exchange service area as set forth in the telephone utility’s tariffs, maps or descriptions.~~

*“Bill-and-keep”* means the end-point of transitional intrastate access services reductions. Under bill-and-keep arrangements, carriers exchanging telecommunications traffic shall not charge each other for specific transport and/or termination functions or services.

*“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”* 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 ~~company~~ utility or from any other supplier.

*“Delinquent 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.

*“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)”* 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”* 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 ~~tariff filed with the board~~ 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.

~~*"Message rate service"* means service for which the customer charges are based on message units depending in part upon the number of originated local or extended area service messages.~~

*"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.

~~*“Rate zone”* means an area other than base rate area within an exchange service area where service generally is furnished at uniform rates without mileage charges.~~

*“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 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.

~~*“Rural service”* means service in an exchange area outside of a base rate area or generally outside a special rate area.~~

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

~~*“Special rate area”* means an area within an exchange where service generally is furnished at uniform rates. Usually this comprises a developed area outside of the base rate area which is also known as a “locality rate area” and separated by some distance from the base rate area.~~

*“Suspend”* 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 ~~telephone~~ local exchange utility for wholesale services, including 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 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.

~~*“Toll rate”* means the charge prescribed for toll messages, usually based upon the duration of the message, the distance between the exchanges, the day and time of the message and the degree of operator assistance.~~

*“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 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 are addressed in a telephone utility’s approved intrastate access tariff or local interconnection tariff.

ITEM 4. Amend subrule 22.1(5) as follows:

**22.1(5)** Basic utility obligations. Each telephone utility shall provide telephone service to the public in its service area in accordance with its rules and tariffs on file with the board. Such service shall normally meet or exceed the standards set forth in ~~these rules governing “Rates Charged and Service Supplied By Telephone Utilities.~~ this chapter.

ITEM 5. Amend subrule 22.1(6) as follows:

**22.1(6)** Deregulation actions.

a. The board, in the dockets shown in subparagraphs (1) to (14), deregulated the following services. Persons interested in determining the precise extent of deregulation in each docket should refer to the board dockets identified in this list. This list is provided for information only. Subsequent orders in these or other dockets may have modified the scope and manner of deregulation. Exclusion of an order or a statutory provision from this list in no way alters the effectiveness of such order or statutory provision.

(1) Inside station wiring including provisioning, repair, and maintenance. This included a revised definition of “demarcation point” in subrule 22.1(3). Docket No. RMU-81-19. Effective October 8, 1982.

(2) Terminal equipment including provision, installation, repair, and maintenance of all customer premises equipment. Docket No. RMU-82-1. Effective May 11, 1983.

(3) Centrex, Hi-Lo Capacity Intraexchange, and Hi Capacity Interexchange and Private Line. Docket No. RPU-84-8. Effective July 1, 1984.

(4) Coin-operated telephones. Pay telephones were determined to be a subset of deregulated terminal equipment. Docket Nos. RMU-85-6 and INU-84-6. Effective September 18, 1985.

(5) Riser cable (or cable for PBXs on the same premises) was found to be an extension of inside wiring. Ownership was transferred from the telephone utility to the premises owner. The telephone utility was compensated for the cable. Docket No. RMU-85-23. Effective April 30, 1986.

(6) Versanet Alarm Services Equipment. The remote module connecting an alarm panel to the local loop was determined to be deregulated terminal equipment. The Versanet equipment monitoring the signal was found to be competitive and deregulated. Docket No. INU-85-5. Effective May 16, 1986.

(7) Mobile telephone and paging services. Docket No. INU-86-2. Effective August 7, 1986.

(8) Billing and collection services (but not the recording function). Docket Nos. RMU-86-16 and INU-86-10. Effective October 15, 1986.

(9) InterLATA Interexchange Message Telecommunications Service (MTS), Wide Area Telecommunications Service (WATS), Channel Service (Private Line), and Custom Network Service (Software Defined Network Service, Megacom Services, Megacom 800 Service, and AT&T Readyline Service). Docket No. INU-88-2. Effective April 5, 1989, and July 19, 1990.

(10) Speed calling. Docket No. INU-88-8. Effective December 22, 1989.

(11) The recording function of billing and collection services. Docket No. INU-88-9. Effective January 9, 1990.

(12) Competitive IntraLATA Interexchange Services, InterLATA and IntraLATA ISDN, Operator Services, Directory Services, and Voice Messaging Service. Docket No. INU-95-3. Effective June 24, 1996.

(13) Local directory assistance. Docket No. INU-00-3. Effective February 23, 2001.

(14) Local exchange services found to be competitive and deregulated in the following exchanges: Armstrong, Coon Rapids, Council Bluffs, Delmar, Forest City, Harlan, Laurens, Lowden, Mapleton, Oxford, Oxford Junction, Primghar, Saint Ansgar, Solon, Spencer, Stacyville, Stanwood, Storm Lake, Tiffin, and Whiting. Docket No. INU-04-1. Effective December 23, 2004.

b. Deregulation resulting from 2005 Iowa Acts, chapter 9, section 1. Effective July 1, 2005, Iowa Code section 476.1D(1) was amended to deregulate the retail rates for most business and residential local exchange services with the exception of single line flat-rated residential and business service rates, at the election of each telephone utility.

The affected utilities opted for deregulation as follows:

(1) Approval of Qwest Corporation's replacement tariff. Qwest's replacement tariff removed the rates for most local exchange services from the tariff, with the exception of single line flat-rated residential and business service rates. Docket No. TF-05-167.

Effective September 6, 2005.

(2) Approval of Frontier Communications of Iowa, Inc.'s replacement tariff. This replacement tariff removed the rates for most local exchange services from the tariff, with the exception of single line flat-rated residential and business service rates. Docket No. TF-05-181. Effective September 20, 2005.

(3) Approval of Iowa Telecommunications Services, Inc.'s, d/b/a Iowa Telecom, replacement tariff. This replacement tariff removed the rates for most local exchange services, with the exception of single line flat-rated residential and business service rates. Docket No. TF-05-182. Effective November 5, 2005.

(4) Single line flat-rated residential and business service rates were found to be competitive and deregulated in the following exchanges: Alta, Belle Plaine, Bennett, Cambridge, Carter Lake, Greene, Grundy Center, Guthrie Center, Hartley, Manning, Marble Rock, Marengo, Onawa, Orange City, Osage, Oyens, Paullina, Reinbeck, Slater, and Wapello. Docket No. INU-05-2. Effective December 5, 2005.

(5) Single line flat-rated residential and business service rates were deregulated pursuant to Iowa Code section 476.1D(1). Docket No. INU-08-1. Effective July 1, 2008.

c. Deregulation resulting from the passage of Senate File 2195. Effective July 1, 2014, Iowa Code section 476.4 was amended to require that telephone utilities should only file wholesale tariffs with the board. Amended section 476.4 required local exchange utilities to withdraw their retail tariffs between July 1, 2014 and January 1, 2015. Docket No. RMU-2014-0003.

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

**2.2(3)** Tariffs to be filed with the board. The utility, including an alternative operator services company, shall file its tariff with the board, and shall maintain such tariff filing in a current status. A copy of the same tariff shall ~~also be on file in all business offices of the telephone utility and shall be available for inspection by the public~~ be available upon request.

The tariff shall be classified, designated, arranged, and submitted so as to conform to the requirements of this chapter or board order. Provisions of the schedules shall be definite and so stated as to minimize ambiguity or the possibility of misinterpretation. The form, identification, and content of tariffs shall be in accordance with these rules unless otherwise provided.

~~Utilities which are not subject to the rate regulation provided for by Iowa Code chapter 476 shall not file schedules of rates unless required by another rule or by board order. Nothing contained in these rules shall be deemed to relieve any utility of the requirement of furnishing any of these same schedules or contracts which are needed by the board in the performance of the board's duties upon request to do so by the board. Every telephone utility shall make the schedule of its rates readily available to customers on the utility's Web site, if the utility has one, or by mail, upon request.~~

ITEM 7. Amend subrule 22.2(4) as follows:

**22.2(4)** Form and identification. All tariffs shall conform to the following rules.

a. The tariff shall be printed, ~~typewritten or otherwise reproduced on 8½ × 11-inch sheets of white paper equal in durability to 20-pound bond paper with 25-percent cotton or rag content~~ so as to result in a clear and permanent record. The sheets of the tariff should be ruled or spaced to set off a border on the left side ~~suitable for binding~~. In the case of utilities subject to regulation by any federal agency the format of sheets of tariff as filed with the board may be the same format as is required by the federal agency, provided that the rules of the board as to title page; identity of superseding, replacing or revising sheets; identity of amending sheets; identity of the filing utility, issuing official,

date of issue and effective date; and the words "Filed with the board" shall be applied to modify the federal agency format for the purposes of filing with this board.

b. The title page of every tariff and supplement shall show in the order named:

(1) The first page shall be the title page which shall show:

(Name of Public Utility)  
Telephone Tariff  
Filed with  
Iowa Utilities Board

\_\_\_\_\_ (date)

(2) When a tariff is to be superseded or replaced in its entirety, the replacing tariff shall show on its title page that it is a revision of a tariff on file.

(3) When a revision or amendment is made to a filed tariff, the revision or amendment shall show on each sheet the designation of the original tariff or the number of the immediate preceding revision or amendment which it replaces. (See exhibit A)

(4) When a new part of a tariff eliminates an existing part of a tariff it shall so state and clearly identify the part eliminated. (See exhibit A)

c. Any tariff modifications as defined above shall be marked in the right-hand margin of the replacing tariff sheet with symbols as here described to indicate the place, nature and extent of the change in text.

—Symbols—

- (C)—Changed regulation
- (D)—Discontinued rate or regulation
- (I)—Increase in rate
- (N)—New rate or regulation
- (R)—Reduction in rate
- (T)—Change in text only

d. All sheets except the title page shall have, in addition to the above-stated requirements, the following further information:

(1) (Name of public utility) Telephone Tariff under which shall be set forth the words "Filed with board." If the utility is not a corporation, and a trade name is used, the name of the individual or partners must precede the trade name.

(2) Issuing official and issue date.

(3) Effective date (~~to be left blank by rate-regulated utilities~~).

EXHIBIT A

..... Telephone Tariff  
 (Name of Company)  
 Filed with board.

.....	Part No. ....
.....	Sheet No. ....
Canceling (or revising) .....	Sheet No. ....
Amending .....	Sheet No. ....

EXAMPLE

Issued .....	Effective .....
(Date)	(Date)
By .....	.....

ITEM 8. Amend subrule 22.2(5) as follows:

**22.2(5) Content of tariffs.**

a. A table of contents listing tariff sections in the order in which they appear showing the sheet number of the first page of each rate schedule or other section. In the event the utility filing the tariff elects to segregate a section such as general rules from other sections, it may at its option prepare a separate table of contents or index for each such segregated section.

~~b. Local exchange utilities shall file a map which shall clearly define the base rate boundary and any rural or special zones that are set forth in the tariff. The boundary line location on such maps shall be delineated from fixed reference points.~~

~~eb.~~ The period during which the billed amount may be paid before the account becomes delinquent shall be specified. Where net and gross amounts are billed, the difference between net and gross is a late payment charge and the amount shall be specified.

~~ec.~~ Forms of standard contracts required of customers for the various types of service available other than those which are defined elsewhere in the tariff.

~~e.~~ A designation, by exchange, of the EAS to other exchanges.

~~f.~~ The list of exchange areas served.

~~g.~~ Definitions of classes of customers.

~~h.~~ Extension rules, under which extensions of service will be made, indicating what portion of the extension or cost thereof will be furnished by the utility; and if the rule is based on cost, the items of cost included as required in 22.3(6).

~~i.~~ The type of construction which the utility requires the customer to provide if in excess of the Iowa electrical safety code or the requirements of the municipality having jurisdiction, whichever may be the most stringent in any particular.

~~j.~~ Statement of the type of special construction commonly requested by customers which the utility allows to be connected, and the terms upon which such construction will be permitted, with due provision for the avoidance of unjust discrimination as between customers who request special construction and those who do not. This applies, for example, to a case where a customer desires underground service in overhead territory.

~~kd.~~ Rules with which prospective customers must comply as a condition of receiving service.

~~le.~~ Notice by customer required for having service discontinued.

~~m. Rules covering temporary service.~~

~~n. Rules covering the type of equipment which may or may not be connected.~~

~~o. Rules on billing periods, bill issuance, notice of delinquency, refusal of service, service disconnection and reconnection and customer account termination for nonpayment of bill.~~

~~p. Rescinded IAB 12/21/05, effective 1/25/06.~~

~~q. Customer deposit rules which cover when deposits are required, how the amounts of required deposits are calculated, requests for additional deposits, interest on deposits, records maintained, issuance of receipts to customers, replacement of lost receipts, refunds and unclaimed deposit disposition.~~

~~r. A separate glossary of all acronyms and trade names used.~~

~~s. A general explanation of each regulated service offering available from the utility.~~

~~t. to v. Rescinded IAB 12/21/05, effective 1/25/06.~~

ITEM 9. Amend subrule 22.3(1) as follows:

**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 ~~company~~ utility business offices as may be appropriate to the area served by the directory. A statement shall be included that the company 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 ~~company~~ 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.

ITEM 10. Amend subrule 22.3(5) as follows:

**22.3(5)** Pay telephone services and facilities. All telephone utilities shall make available to customers provisions for the interconnection of pay telephone equipment ~~on the same basis as business service.~~ A separate access line shall not be required for pay telephone equipment. ~~Nonrate-regulated telephone utilities shall provide service consistent with this subrule, but the subrule shall not apply to the pricing by nonrate-regulated telephone utilities of access lines to pay telephones.~~

ITEM 11. Amend subrule 22.3(12) as follows:

**22.3(12)** Ordering and transferring of service. The local exchange utility shall establish terms and conditions for ordering and transferring local exchange service shall be contained in the telephone utility's tariff.

ITEM 12. Amend subrule 22.3(14) as follows:

**22.3(14)** Adjacent exchange service. All local exchange utilities shall ~~file tariffs which include provisions which~~ allow customers to establish adjacent exchange service.

a. The ~~tariffs shall require the customer to~~ shall pay the full cost of establishing and maintaining the adjacent exchange service.

b. In addition, the ~~tariffs~~ local exchange utility may include all or part of the following service provisions:

(1) The ~~subscriber~~ customer shall subscribe to local exchange service in the primary exchange in addition to the adjacent exchange service.

(2) All toll messages shall be placed through the primary exchange, unless there is a service outage in that exchange.

(3) The primary exchange company shall bill for the adjacent exchange service and make appropriate settlement to the secondary exchange company, unless the primary exchange and the adjacent exchange agree to a different billing arrangement.

(4) Adjacent exchange service shall be restricted to only the residential class of service, unless a waiver is permitted by the board for a particular customer for good cause shown.

(5) Failure of the ~~subscriber~~ customer to comply with the ~~tariff~~ utility's provisions related to adjacent exchange service shall ~~make the subscriber~~ subject the customer to discontinuance of service after appropriate notice.

c. These adjacent exchange service rules shall not affect the terms under which a customer receives adjacent exchange service, if that customer was receiving adjacent exchange service prior to the effective date of these rules.

ITEM 13. Amend subrule 22.4(1) as follows:

**22.4(1)** Customer information.

a. Each utility shall:

(1) Maintain up-to-date maps, plans, or records of its entire exchange systems.

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.

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

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

(5) Each local exchange utility shall make the schedule of its retail rates available on the utility's Web site, if the utility has one, or readily available upon request.

(6) Each local exchange utility shall develop a catalog or service guide, listing its procedures for addressing residential customer service provisions consistent with 199 IAC 22.4. The catalog or service guide shall be readily available upon 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 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319-0069, by calling (515)725-7321 or toll-free 1-877-565-4450, or E-mail to [customer@iub.iowa.gov](mailto:customer@iub.iowa.gov)."

The bill insert or notice on the bill will be provided no less than annually and shall disclose the availability of the local exchange utility's schedule of retail rates, catalog, and/or service guide addressing residential customer service provisions. 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.

ITEM 14. Amend subrule 22.4(3) as follows:

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

a. Billing to customers shall be scheduled monthly except upon mutual agreement of the customer and utility. A utility with unusual circumstances may obtain authority from the board for billing at other than monthly intervals.

b. Rescinded IAB 2/6/91, effective 3/13/91.

c. Paper bills shall be issued and delivered via U.S. mail unless the customer agrees to electronic or other billing pursuant to terms specified by tariff or customer agreement. Except as otherwise noted, the requirements of this subrule apply to both paper and electronic bills. The bill form or a bill insert shall provide the following information:

(1) The bill date and the bill due date for local exchange services, service charges, and other telecommunications services.

(2) The last date for timely payment shall be clearly shown and shall be not less than 20 days after the bill is rendered. For a paper bill, the bill shall be considered rendered to the customer when deposited in the U.S. mail with postage prepaid. For an electronic bill, the bill shall be considered rendered to the customer on the date of transmission to the last-known E-mail address or as otherwise defined in an agreement between the customer and utility. If the delivery of a paper bill is by other than U.S. mail, the bill shall be considered rendered when delivered to the last-known address of the party responsible for payment. If a bill cannot be transmitted electronically, the utility shall issue a paper bill. The utility may charge an appropriate amount for the distribution of a paper bill so long as the same amount is discounted should the customer choose electronic billing. When a customer changes from paper billing to electronic billing, the utility shall be allowed one complete billing cycle to make adjustments for electronic billing credits.

(3) Bills to customers shall be rendered regularly and shall contain a clear listing of all charges. A written, itemized listing of the services to which the customer subscribes and the monthly rates for those services shall be provided as part of the initial bill or when service is ordered and subsequently upon reasonable request of the customer.

(4) Each disconnection notice shall state that access to local exchange service shall not be denied for failure to pay for deregulated services.

(5) The requirements of subparagraph (1) above shall not apply to calls billed by interexchange utilities, including AOS companies.

(6) The requirements of subparagraphs (2), (3) and (4) above shall not apply to calls billed to a commercial credit card.

d. Rescinded IAB 6/3/09, effective 7/8/09.

e. Unless the terms of a multistate customer contract state otherwise, when the customer makes a partial payment in a timely manner, and does not designate the service or product for which payment is made, the payment shall first be applied to the undisputed balance for local exchange service. If an amount remains, it may then be applied to other services.

f. Each account shall be granted not less than one complete forgiveness of a late payment charge each calendar year. The utility's rules shall be definitive that on one monthly bill in each period of eligibility, the utility will accept the net amount of such bill as full payment for such month after expiration of the net payment period. The rules shall state how the customer is notified the eligibility has been used. Complete forgiveness prohibits any effect upon the credit rating of the customer or collection of late payment charge.

g. All residential customers shall be permitted to have a last date for timely payment changeable for cause in writing; such as, but not limited to, 15 days following the approximate date each month upon which income is received by the person responsible for payment.

h. Maximum payment required for installation and activation of local exchange service shall comply with the total derived in accord with these rules ~~and the filed tariff.~~

(1) An applicant for local exchange service, who ~~under the tariff credit rules~~ is required to make a deposit to guarantee payment of bills, may be required to pay the service charges and deposit prior to obtaining service.

(2) The amounts required must comply with 22.4(2), 22.4(5) and 22.4(7).

i. Maximum payments required by an active account or inactive account, for restoration of service of the same class and location as existed prior to disconnection, shall be the total of charges derived for reconnection and must comply with 22.4(2), 22.4(5) and 22.4(7). ~~Only charges specified in the filed tariff shall be applied.~~

j. The utility may initiate collection efforts with the issuance of a final bill when the termination of service is at the customer's request. For all other bills no collection effort other than rendering of the bill shall be undertaken until the delinquency date.

k. Undercharges. The time period for which a utility may back bill a customer for undercharge shall not exceed five years unless otherwise ordered by the board.

l. Overcharges. The time period for which the utility is required to refund or credit the customer's bill shall not exceed five years unless otherwise ordered by the board. Refunds to current customers may be in the form of bill credits, unless the refund exceeds \$50 and the customer requests a refund in the same manner by which the bill was originally paid. Refunds to former customers may be made in the same manner by which the bill was originally paid. Refunds for local exchange service may not be applied to unpaid amounts for unregulated services.

ITEM 15. Amend subrule 22.4(4) as follows:

**22.4(4)** Customer complaints.

a. Complaints concerning the charges, practices, facilities, or service of the utility shall be investigated promptly and thoroughly. The utility shall keep a record of such complaint showing the name and address of the complainant, the date and nature of the complaint, its disposition, and all other pertinent facts dealing with the complaint, which will enable the utility to review and analyze its procedure and actions. The records maintained by the utility under this rule shall be available for a period of two years for inspection by the board or its staff upon request.

b. Each utility shall ~~provide in its filed tariff~~ develop a concise, fully informative procedure for the resolution of all customer complaints.

c. The utility shall take reasonable steps to ensure that customers ~~unable to travel~~ shall not be denied the right to be heard.

d. The final step in a the resolution of a complaint ~~hearing and review procedure~~ shall be a filing for board resolution of the complaint issues pursuant to 199-Capter 6, "Complaint Procedures".

ITEM 16. Amend subrule 22.4(5) as follows:

**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 ~~the tariff~~ 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. Without notice in the event of a condition on the customer’s premises determined by the utility to be hazardous.
- b. Without notice in the event of customer’s use in such a manner as to adversely affect the utility’s equipment or the utility’s service to others.

c. Without notice in the event of tampering with equipment furnished and owned by the utility.

d. Without notice in the event of unauthorized use.

e. For violation of or noncompliance with the ~~utility's board's~~ rules on file with the board, the requirements of municipal ordinances or law pertaining to the service.

f. For failure of the customer or prospective customer to furnish service equipment, permits, certificates or rights-of-way specified ~~to be furnished in the utility's rules filed with the board~~ by the utility as conditions for obtaining service, or for the withdrawal of that same equipment or the termination of those permissions or rights, or for the failure of the customer or prospective customer to fulfill the contractual obligations imposed upon the customer as conditions of obtaining service by a contract ~~filed with and subject to the regulatory authority of the board~~.

g. For failure of the customer to permit the utility reasonable access to its equipment.

h. For nonpayment of bill or deposit, except as restricted by 22.4(7), provided that the utility has made a reasonable attempt to effect collection and:

(1) Has provided the customer with 5 days' prior written notice with respect to an unpaid bill and 12 days' prior written notice with respect to an unpaid deposit, as required by this rule; disconnection may take place prior to the expiration of the 5-day unpaid bill notice period if the utility determines, from verifiable data, that usage during the 5-day notice period is so abnormally high that a risk of irreparable revenue loss is created.

(2) Is prepared to reconnect the same day if disconnection is scheduled for a weekend, holiday or after 2 p.m.

(3) In the event of a dispute concerning the bill, the ~~telephone company~~ utility may require the customer to pay a sum of money equal to the amount of the undisputed portion of the bill. Following payment of the undisputed amount, efforts to resolve the complaint, ~~using complaint procedures in the company's tariff,~~ shall continue and for not less than 45 days after the rendering of the disputed bill, the service shall not be disconnected for nonpayment of the disputed amount. The 45 days may be extended by up to 60 days if requested of the utility by the board in the event the customer files a written complaint with the board.

ITEM 17. Amend subrule 22.5(14) as follows:

**22.5(14)** Information service access blocking. Each local exchange utility shall ~~include in its tariff on file with the board a provision giving~~ provide its subscribers the option of blocking access to all 900 and 976 prefix numbers, without charge for the first block.

ITEM 18. Amend subrule 22.6(6) as follows:

**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 ~~in person or by telephone~~ 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 19. Amend rule 22.10 as follows:

**22.10** Unfair practices. All unfair or deceptive practices related to customer provision of equipment are prohibited. Any failure to provide information to customers or to deal with customers who provide their own terminal equipment or inside station wiring or an alteration of the charges for or availability of equipment or services on that ground, unless specifically authorized by board order or rule ~~and by the utility's tariff~~, shall constitute unfair or deceptive practices. In cases of equipment in compliance with Federal Communications Commission registration requirements, telephone utility personnel are prohibited from making any statement, express or implied, to, or which will reach, a customer or prospective customer that terminal equipment in compliance with Federal Communications Commission registration requirements cannot properly be attached to the telephone network. This does not apply to good-faith efforts to amend the Federal Communications Commission requirements.

The listing of unfair practices in this rule shall not limit the types of acts which may be found to be unfair nor shall those listed be used to establish decisional criteria operating to exempt any act otherwise unfair from the intent of this rule.

ITEM 20. Amend subrule 22.11(1) as follows:

**22.11(1)** Construction by user limitation. A user shall not be allowed to construct inside station wiring from a demarcation point or between two or more buildings on the same premises to obtain service from an exchange other than that by which the user would normally be served, excluding users being provided adjacent exchange service or foreign exchange service ~~as provided in a company's tariff~~. Existing inside wiring obtaining local exchange service within another exchange boundary shall be disconnected by the user within ten days after receipt of written notification from the local exchange company.

ITEM 21. Amend subrule 22.12(1) as follows:

**22.12(1)** Construction of rule. This rule shall be construed in a manner consistent with its purpose to expedite informed consideration of tariff filings proposing rates by ensuring the availability of relevant information on a standardized basis. Unless a waiver is granted prior to filing, this rule shall apply to all tariff filings by ~~rate-regulated~~ telephone utilities proposing rates, except the tariff filings of AOS utilities that propose rates at or below the corresponding rates for similar services of utilities whose rates have been approved by the board in a rate case or set in a market determined by the board to be competitive.

ITEM 23. Amend subrule 22.14(1) as follows:

**22.14(1)** Application of intrastate access charges.

a. Intrastate access charges shall apply to all intrastate access services rendered to interexchange utilities. Intrastate access charges shall not apply to EAS traffic. In the case of resale of services of interexchange utilities, access charges shall apply as follows:

(1) The interexchange utilities shall be billed as if no resale were involved.

(2) The resale carrier shall be billed only for access services not already billed to the underlying interexchange utility.

(3) Specific billing treatment and administration shall be provided pursuant to tariff.

b. Except as provided in 22.14(1)“b”(3), no person shall make any communication of the type and nature transmitted by telephone utilities, between exchanges located within Iowa, over any system or facilities, which are or can be connected by any means to the intrastate telephone network, and uses exchange utility facilities, unless the person shall pay to the exchange utility or utilities which provide service to the exchange where the communication is originated and the exchange where it is terminated, in lieu of the carrier common line charge, a charge in the amount of \$25 per month per circuit that is capable of interconnection. However, if the person provides actual access minutes to the exchange utility, the charge shall be the charge per access minute or fraction thereof provided in 22.14(2)“d”(1), not to exceed \$25 per line per month. The charge shall apply in all exchanges. However, if the person attests in writing that its facility cannot interconnect and is not interconnected with the exchange in question, the person will not be subject to the charge in that exchange.

(1) In the event that a communication is made without compliance with this rule, the telephone utility or utilities serving the person shall terminate telephone service after

notice pursuant to subrule 22.4(5). The utility shall not reinstate service until the board orders the utility to restore service. The board shall order service to be restored when it has reasonable assurance that the person will comply with this rule.

(2) In any action concerning this rule, the burden of proof shall be upon the person making intrastate communications.

(3) This rule shall be inapplicable to:

1. ~~Communications made by a person using facilities or services of telephone utilities to which an intrastate carrier common line charge applies pursuant to 22.14(3)“a.”~~

~~2~~1. Administrative communications made by or to a telephone utility.

ITEM 23. Amend subrule 22.14(2) as follows:

**22.14(2)** Filing of intrastate access service tariffs.

a. Tariffs providing for intrastate access services and transitional intrastate access services shall be filed with the board by a ~~telephone~~ local exchange utility which provides such services. ~~Iowa intrastate access service tariffs of rate-regulated utilities shall be based only on Iowa intrastate costs. A local exchange utility shall file revised transitional intrastate access services rates with the board to be become effective on or about July 1 of each year until such rates are reduced to bill-and-keep.~~ Unless otherwise provided, the filings are subject to the applicable rules of the board.

b. A ~~non-rate-regulated~~ local exchange utility in its ~~general tariff~~ may concur in the intrastate access tariff filed by another ~~non-rate-regulated~~ local exchange utility serving the same exchange area.

(1) Alternatively, a ~~non-rate-regulated~~ local exchange utility may voluntarily elect to join another ~~nonrate-regulated~~ local exchange utility or utilities in forming an association

of local exchange utilities. The association may file intrastate access service tariffs. A utility in its general tariff can concur in the association tariffs.

(2) All elements of the filings, under rule 199—22.14(476) including access service rate elements, shall be subject to review and approval by the board.

c. Rescinded IAB 2/7/90, effective 3/14/90.

d. All intrastate access service tariffs shall incorporate the following:

(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 both originating and terminating segments of the communication, unless a different lower rate is required by the transitional intrastate access service reductions, or if numbered paragraphs “1” and “2.” are applicable. The carrier common line charge shall be assessed to exchange access made by any 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 with the Iowa Telecommunications Association (ITA) Access Service Tariff No. 1 and that offers service in exchanges where the incumbent local exchange carrier’s intrastate access rate is lower than the ITA access rate~~ shall deduct the carrier common line charge from its intrastate access service tariff.

(2) End-user charge. No intrastate end-user charge shall be assessed.

(3) Universal service fund. No universal service fund shall be established.

(4) Transitional and premium rates. There shall be no discounted transitional rate elements applied in Iowa except as otherwise specifically set forth in these rules.

(5) Recording function of billing and collections. The intrastate access service tariffs shall include the rate to be charged for performing the recording function associated with billing and collections.

(6) A telephone utility may, pursuant to tariff, bill for access on the basis of assumed minutes of use where measurement is not practical. However, if the interexchange utility provides actual minutes of use to the billing utility, the actual minutes shall be used.

(7) In the absence of a waiver granted by the board, local exchange utilities shall allow any interexchange utility the option to use its own facilities that were in service on March 19, 1992, to provide local access transport service to terminate its own traffic to the local exchange utility. The interexchange utility may use its facilities in the manner and to a meet point agreed upon by the local exchange utility and the interexchange utility as of March 19, 1992. Changes mutually agreeable to the local exchange utility and the interexchange utility after that date also shall be recognized in allowing the interexchange utility to use its own local access transport facilities to terminate its own traffic. Recognition under this rule will also be extended to improvements by an interexchange utility that provided all the transport facilities to an exchange on March 19, 1992, whether the improvements were mutually agreeable or not, unless the improvements are inconsistent with an agreement between the interexchange utility and the local exchange utility.

(8) A provision prohibiting the application of association access service rates to HVAS traffic.

e. A local exchange utility that is adding a new HVAS customer or otherwise reasonably anticipates an HVAS situation shall provide notice of the situation, the telephone numbers that will be assigned to the HVAS customer (if applicable), and the expected date service to the HVAS customer will be initiated, if applicable. Notice may be sent to each interexchange utility that paid for intrastate access services from the local exchange carrier in the preceding 12 months; to any carrier with whom the local exchange carrier exchanged traffic in the preceding 12 months; and to all other local exchange carriers authorized to provide service in the subject exchange, by a method calculated to provide adequate notice.

Any interexchange utility may request negotiations concerning the access rates applicable to calls to or from the HVAS customer. Any interexchange utility that believes a situation has occurred or is occurring that does not specifically meet the HVAS threshold requirements defined in subrule 22.1(3), but which raises the same general concerns and issues as an HVAS situation, may file a complaint with the board pursuant to these rules.

A local exchange utility that experiences an increase in intrastate access billings that qualifies as an HVAS situation, but did not add a new HVAS customer or otherwise anticipate the situation, shall notify interexchange utilities of the HVAS situation at the earliest reasonable opportunity, as described in the preceding paragraph. Any interexchange utility may request negotiations concerning whether the local exchange

utility's access rates, as a whole or for HVAS only, should be changed to reflect the increased access traffic.

When a utility requests negotiations concerning intrastate access services, the parties shall negotiate in good faith to achieve reasonable terms and procedures for the exchange of traffic. No access charges shall apply to the HVAS traffic until an access tariff for HVAS is accepted for filing by the board and has become effective. At any time that any party believes negotiations will not be successful, any party may file a written complaint with the board pursuant to Iowa Code section 476.11. In any such proceeding, the board will consider setting the rate for access services for HVAS traffic based upon the incremental cost of providing HVAS, although any other relevant evidence may also be considered. The incremental cost will not include marketing or other payments made to HVAS customers. The resulting rates for access services may include a range of rates based upon the volume of access traffic or other relevant factors. Any negotiations pursuant to this paragraph shall conclude within 60 days. After 60 days, a party to the negotiations may petition the board to extend the period of negotiations or may petition the board to set a hearing pursuant to 199—paragraph 7.4(10)“d.”

ITEM 24. Amend rule 22.14 as follows:

**22.14(7) Access billing disputes and discontinuation of service.** The provisions of 199 IAC 22.4(5)“h”(3) also apply to intrastate access billing disputes. The provisions of 199 IAC 22.16 shall be followed before a utility discontinues providing intrastate access service to another utility.

ITEM 25. Amend subrule 22.15(3) as follows:

~~**22.15(3)** Willful violation. Any interexchange utility which the board finds has willfully failed to pay the intrastate carrier common line charge as specified in 22.14(3)“a” shall be in willful violation of board rules.~~

ITEM 26. Amend rule 22.16 as follows:

~~**199—22.16(476)** Discontinuance of service. No local exchange utility or interexchange utility may discontinue providing intrastate service to any local exchange or part of a local exchange except in the case of emergency without providing notice to the board and consumer advocate.~~

In cases of nonpayment of account, or violation of rules and regulations, or violation of board orders,; ~~except as provided below.~~ no utility shall discontinue service without providing notice of at least two business days to the board and consumer advocate.

~~**22.16(1)** Prior to discontinuing service~~ In all other cases, the utility shall file with the board and consumer advocate a notice of intent to discontinue service at least 90 days prior to the proposed date of discontinuance. However, if the utility shows it has no customers for the service it proposes to discontinue, the utility need only file such notice 30 days prior to discontinuance.

~~**22.16(21)**~~ The notice of discontinuance of service shall include the following:

1. The name and address of the utility involved;
2. The name, title, and address of the person to whom correspondence concerning the notice should be directed;
3. A description of the nature of and reasons for the proposed discontinuance;

4. Identification of the exchange or part of exchange involved and the date on which the utility desires to discontinue service;

5. A description of the area affected and an assessment of the impact on present and future public convenience and necessity of such discontinuance, including the name and address of any other utility currently or potentially providing the same or substitute service to the area;

6. A description of the service proposed to be discontinued, of the existing service available to the exchange or part of exchange involved, and of the service of the applying utility or others which would remain in the event approval is granted.

**22.16(32)** If after 30 days of the filing of such notice, no action is taken by the board, the discontinuance may take place as proposed.

**22.16(43)** The board, on its own motion or at the request of the consumer advocate or affected customer, may hold a hearing on such discontinuance.

ITEM 27. Amend subrule 22.19(3) as follows:

**22.19(3)** Blocking. AOS companies shall not block the completion of calls which would allow the caller to reach a long distance telephone ~~company~~utility different from the AOS company. All AOS company contracts with contracting entities must prohibit call blocking by the contracting entity. The contracting entity shall not violate that contract provision.

ITEM 28. Amend subrule 22.20(3) as follows:

**22.20(3)** Map specifications. All ILECs shall have on file with the board maps which identify their exchanges and both internal exchange boundaries where the utility's own exchanges abut and ultimate boundaries where the utility's exchanges abut other

utilities. A CLEC shall either file its own exchange boundary map or adopt the exchange boundary map filed by the ILEC serving that exchange.

a. ~~Each utility's maps~~ If a utility files a paper boundary map, it 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. ~~They~~ 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) Each filed map shall clearly show the ultimate utility boundary line; this line shall be periodically marked with the letter "U." Exchange boundaries where the utility's own exchanges abut shall be periodically marked with the letter "E." Ultimate and exchange boundary lines shall be drawn on a section, half-section, or quarter-section line. If not, the distance from a section line or other fixed reference point shall be clearly noted. When using a fixed reference point, measurement shall always be from the center of the fixed point.

(2) The map shall also identify the utility serving each contiguous exchange. The utility names shall be placed about the exterior of the ultimate boundary. The points at which the adjacent exchange meets the ultimate boundary will be marked with arrows.

(3) Plant facilities shall not be shown on the boundary map. Approximate service locations may be shown but are not required.

(4) The name of the utility filing the map shall be placed in the upper right corner of the map. This will be followed by the names of each exchange shown on the map and

served by that utility. The last item will be the date the map is filed and the proposed effective date, which will be 30 days after the filing date unless the board sets a different date.

b. If requested by the board, a legal description shall be filed to clarify an ambiguous boundary between utilities. The legal description shall conform with the standards set in Iowa Code section 114A.9.

ITEM 29. Amend subrule 22.20(4) as follows:

~~**22.20(4) Subsequent certificates.** Any legal entity which desires to serve all or a portion of a territory which is currently assigned to another land-line utility may petition for a new certificate or a certificate modification depending upon whether the utility already has a certificate to serve. After notice to affected utilities and opportunity for hearing, the board will determine whether the new certificate or certificate modification will promote the public convenience and necessity. If the new or modified certificate is granted, the result may be two or more utilities serving all or a portion of an assigned territory.~~

**22.20(4) Certificate Modifications.** Two local exchange utilities may transfer the service territory boundaries and customers from one utility to another after notice to affected persons and the opportunity for hearing. A certificate modification shall be approved if the board finds that the transfer will result in adequate service to affected customers, the transfer is in the public interest, and the provisions of 199 IAC 22.23(2)“e” have been followed. If the certificate modification involves an ILEC, the ILEC shall file revised boundary maps.

After July 1, 2014, a local exchange utility may expand its service territory by filing a notice with the board and by providing notice to affected utilities. The notice shall list the exchanges where the utility currently provides ILEC and CLEC service, and the notice shall provide the names of the exchanges where the utility proposes to expand its competitive service area.

a. Filing instructions. The notice shall be filed using the board's electronic filing system in accordance with 199—14.9. The filing shall be titled, "Proposed Expansion of Competitive Service Area" with a reference to the year for which the notice is filed. The board's records and information center will assign each filing an ES docket number, signifying "Expansion of Service Areas." Unless docketed by the Board for further investigation, a letter approving the notice and modifying the utility's certificate will be issued within 30 days of the filing. ES dockets are not subject to protection from public disclosure.

b. Conservation of numbering resources. A utility proposing to expand its competitive service area shall not apply for numbering resources in those exchanges until its provision of local exchange service to customers becomes imminent.

ITEM 30. Amend subrule 26.5(1) as follows:

**26.5(1)** Customer notification procedures.

a. Definitions. Terms not otherwise defined in these rules shall be understood to have their usual meaning.

(1) "Rates" shall mean amounts per unit billed to customers for a recurring service or commodity rendered or offered by the public utility. "Rate amounts" shall mean the total bill rendered to a customer pursuant to a given rate schedule.

(2) "Charges" shall mean amounts billed to customers for a nonrecurring service or commodity rendered or offered by the public utility.

(3) "Commodity" or "commodities" shall mean water, electricity, or natural gas.

(4) "Effective date" shall mean the date on which the first customer begins receiving the service or commodity under the new rate or charge.

b. Notification of customers. All public utilities, except those exempted from rate regulation by Iowa Code section 476.1 which propose to increase rates or charges, shall mail or deliver a written notice pursuant to paragraph "c" or "d" to all customers in all affected rate classifications. The written notice shall be mailed or delivered before the application for increase is filed, but not more than 62 days prior to the filing. Any public utility exempt from rate regulation by Iowa Code section 476.1, which proposes to increase rates or charges, shall mail or deliver, not less than 30 days prior to the proposed effective date, a written notice pursuant to paragraph "c" or "d" of the rate or charge increase to all customers in all affected rate classifications.

~~Provided, however, that if a telephone utility is proposing to increase rates for only interexchange services, excluding EAS and intrastate access services, the utility shall cause the notice of proposed increase to be published, in at least one newspaper of general circulation in each county where such increased rates are proposed to be effective. The notice shall be published at least twice in such newspaper no more than 62 days prior to the time the application for the increase is filed with the board.~~

The notice requirements above are not applicable to the rate changes of a telephone utility exempt from filing tariffs pursuant to Iowa Code section 476.4. Exempt telephone

utilities shall file with the board copies of rate change notices at the same time that such notices are delivered to customers.

March 20, 2015.

/s/ Elizabeth S. Jacobs  
Chair