

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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| IN RE:<br><br>NORTHLAND COMMUNICATIONS, INC.,<br>d/b/a CL TEL | DOCKET NO. VCA-2015-0004 |
|   | CERTIFICATE NO. V-0035   |

**ORDER GRANTING APPLICATION AND ISSUING CERTIFICATE**

(Issued March 11, 2015)

On February 11, 2015, Northland Communications, Inc., d/b/a CL Tel (CL Tel), filed with the Utilities Board (Board) an initial application for a certificate of franchise authority to provide video service, pursuant to Iowa Code chapter 477A and 199 IAC 44. The application includes an affidavit signed by CL Tel's General Manager affirming that the company has filed or will file with the Federal Communications Commission (FCC) all forms required by the FCC before offering service in Iowa and that the company agrees to comply with all applicable federal and state statutes, regulations, and rules and with all applicable state laws and nondiscriminatory municipal ordinances and regulations regarding the use and occupation of a public right-of-way in the delivery of service, to the extent consistent with Iowa Code chapter 477A, including the police powers of the municipalities in which the service is delivered. The application includes the name and title of CL Tel's principal executive officer with direct authority over video operations and provides customer service contact information.

CL Tel explains in a Statement in Support of Application (Statement) that it holds a Board-issued certificate of public convenience and necessity (CPCN) authorizing the company to provide local exchange telephone service in areas defined by service territory maps on file with the Board. CL Tel attached a copy of its CPCN to the Statement as Exhibit A. CL Tel explains it intends to provide video service bundled with voice and data communications services. CL Tel explains that the service area for its Board-issued certificate of franchise authority to provide video service will include the incorporated area of the City of Mason City, Iowa, including any areas annexed to the city in the future. Based on conversations between Board staff and counsel for CL Tel, the Board understands that CL Tel intends to commence providing video service within 30 days of the date of the application.

The Board has reviewed CL Tel's application and finds it complies with the Board's rules at 199 IAC 44 and with the requirements in Iowa Code chapter 477A, the statute that authorizes the Board to issue certificates of franchise authority to cable and video service providers. The application form submitted by CL Tel is the one developed by the Board and includes the information required by 199 IAC 44.3(3).

Because CL Tel holds a Board-issued CPCN to provide local exchange telephone service, the company is exempt from the requirement in Iowa Code § 477A.3(1)"f" to provide documentation that it possesses sufficient managerial, technical, and financial capability to provide the proposed service.

With respect to the requirement in § 477A.3(1)"g" that an applicant provide copies of advertisements, CL Tel states that because it plans to provide video service using its existing subscriber-based network and is an established voice and data service provider in the proposed service area, it does not plan to prepare any advertisements or news releases regarding its video service; instead, the company intends to use customer interaction, bill stuffers, and word of mouth to generate interest in its video service. CL Tel explains that if it decides to use a formal advertising campaign, it will file advertising materials with the Board when they are prepared.

With respect to notice, CL Tel attached as Exhibit B a copy of the required notice sent to the affected municipality. CL Tel also attached as Exhibit C a copy of a notice of its intent to commence service sent to the incumbent cable operator. CL Tel states that if it expands its service under the certificate to any other municipalities, it will file a notice of service area revision and provide the required notices to affected municipalities and incumbent cable operators.

The Board will grant CL Tel's application for a certificate of franchise authority to provide video service in the service area identified in the application. CL Tel shall file with the Board copies of advertisements regarding its video service if and when they are prepared. The Board will issue a certificate of franchise authority concurrently with this order.

**IT IS THEREFORE ORDERED:**

1. The application for a certificate of franchise authority to provide video service filed by Northland Communications, Inc., d/b/a CL Tel, on February 11, 2015, is granted as discussed in this order.

2. A certificate of franchise authority, identified as Certificate No. V-0035, is issued to Northland Communications, Inc., d/b/a CL Tel, concurrently with this order.

**UTILITIES BOARD**

/s/ Elizabeth S. Jacobs

/s/ Nick Wagner

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary, Deputy

/s/ Sheila K. Tipton

Dated at Des Moines, Iowa, this 11<sup>th</sup> day of March 2015.