

STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD

**FILED WITH
Executive Secretary
March 26, 2015
IOWA UTILITIES BOARD**

IN RE:

COMPLAINT OF CAROLYN FRAHM

DOCKET NO. FCU-2013-0007

JOINT MOTION FOR DISMISSAL AS TO AIRUS

The Office of Consumer Advocate (OCA) and Airus, Inc. (Airus), jointly move for dismissal of Airus from these proceedings, without prejudice, for the reasons and upon the condition stated in this motion. In support of the motion, OCA and Airus state:

1. These proceedings were commenced for the purpose of investigating alleged intrastate call completion failures to rural destinations in Iowa and for the purpose of securing appropriate remedial action. The proceedings in No FCU-2013-0005, *In re Complaint of Hancock County Health Systems* (“*Hancock*”), were also commenced for the purpose of investigating alleged intrastate call completion failures to rural destinations in Iowa and for the purpose of securing appropriate remedial action.

2. Airus is an intermediate provider of long distance telephone services. Airus is a party to, and has provided discovery responses in, both this docket and *Hancock*. In this docket, Airus’ predecessor IntelePeer, Inc. received certain calls from originating long distance carrier Windstream Iowa Communications, Inc. (“Windstream”). In *Hancock*, Airus’ predecessor IntelePeer, Inc. received certain calls from CenturyLink Communications, LLC.

3. The presiding officer in both dockets has indicated the Board is focusing in these proceedings on commitments from the companies that will remediate the

difficulties and not the imposition of penalties. There is no apparent reason why commitments from Airus should depend on the carrier from which Airus receives a call and hence no apparent reason why commitments from Airus in this docket should differ from commitments from Airus in *Hancock*. The solutions proposed by OCA in the two dockets are the same.

4. As to Airus, it will avoid duplication and therefore be more efficient if further proceedings as they relate to Airus are conducted in a single docket. For the sole purpose of avoiding duplication and enhancing efficiency, OCA and Airus therefore jointly request that Airus be dismissed from the proceedings in this docket, without prejudice, and subject to the condition that the evidence received from Airus and from IntelPeer may be considered in both dockets.

5. This motion has no effect on the proceedings in this docket as they relate to Windstream. Windstream has no objection to this motion.

WHEREFORE, OCA and Airus move for dismissal of Airus from these proceedings, without prejudice, upon the condition stated in this motion.

Respectfully submitted,

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