

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMPLAINT OF HORN MEMORIAL HOSPITAL	DOCKET NO. FCU-2014-0014
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**ORDER REGARDING SECOND PREHEARING CONFERENCE
AND REQUIRING FILINGS**

(Issued January 7, 2016)

A telephone prehearing conference was held in this case on January 6, 2016. The Consumer Advocate Division of the Department of Justice (Consumer Advocate) was represented by its attorney, Ms. Anna K. Ryon. Frontier Communications of Iowa, Inc. (Frontier), was represented by its attorney, Ms. Kris Holub Tilley. Impact Telecom, Inc. (Impact), was represented by its attorney, Ms. Rachel T. Rowley, and Ms. Julie Barghouthi and Mr. Chuck Griffin were also on the call for Impact. Level 3 Communications, LLC (Level 3), was represented by its attorney, Mr. Bret Dublinske. Mr. William Gaukel, Vice-President, was on the call for Long Lines Metro, Inc. (Long Lines). Utilities Board (Board) staff Ms. Tara Ganpat-Puffett, Mr. Larry Stevens, and Ms. Mary Whitman were also on the call. No one was present on the call for Iowa Network Services, Inc. (INS), or for Horn Memorial Hospital.

The Consumer Advocate stated that, to her knowledge, Horn Memorial Hospital has not experienced any additional call completion problems. However, Long Lines stated its belief that, although the situation is markedly better, the hospital

had experienced a couple of incidents involving call completion problems. The Consumer Advocate was directed to investigate this and file a report stating whether the hospital had experienced additional call completion problems. If the investigation and report show that the hospital has experienced additional call completion problems or is continuing to experience them, Frontier must file a report stating what it has done to correct the problems and prevent them in the future.

The appropriate procedures for the case were discussed at the prehearing conference. Since evidence has not yet been filed in this case other than in the informal complaint stage, most of the parties agreed it would be appropriate to file a stipulation of facts or a stipulation that it is reasonable to base decisions in this case on the information filed in the informal complaint stage. Impact preferred that the case be consolidated with Docket No. FCU-2013-0005, *Hancock County Health Systems (Hancock County)*, another call completion case in which it is involved, or stayed, rather than filing a stipulation of facts. However, Impact also expressed support for filing a stipulation if the undersigned denied its motion to consolidate and/or stay. The parties expressed a variety of opinions on the motion. Impact and Frontier expressed their respective opinions that call completion is an industry-wide problem and should be handled in a Board rulemaking or other industry-wide proceeding instead of on a case-by-case basis. Both expressed their willingness to participate in such a proceeding. Level 3 was not sure the facts are undisputed in this case but stated its willingness to attempt to reach a stipulation. The undersigned

denied Impact's motion for consolidation and/or a stay because the originating long distance carrier in this case is Frontier, while the originating long distance carrier in the Hancock County case is Qwest Communications Company d/b/a CenturyLink QCC (CenturyLink), and because evidence has not yet been filed in this case so there is no basis yet for determining whether consolidation or a stay would be reasonable. The parties were directed to file a stipulation of facts to the extent possible, and if there is disagreement regarding the facts, to set out the disagreement(s) in the stipulation.

Frontier stated it is filing quarterly reports with the Federal Communications Commission (FCC) and is undertaking actions to address rural call completion problems on a national basis. Frontier was directed to file a report explaining the reports it is filing with the FCC and the actions it is taking to address and prevent call completion issues that would also cover call completion issues in Iowa.

Additional decisions regarding appropriate procedure for the case will be made after the stipulation and reports have been filed with the Board.

IT IS THEREFORE ORDERED:

1. The motion to consolidate and/or stay filed by Impact on October 15, 2015, is denied.
2. On or before January 20, 2016, the Consumer Advocate must file a report of its investigation into whether Horn Memorial Hospital has experienced, or is continuing to experience, additional call completion problems. If the investigation

and report show that the hospital has experienced additional call completion problems or is continuing to experience them, Frontier must file a report stating what it has done to correct the problems and prevent them in the future on or before February 3, 2016.

3. On or before February 25, 2015, the parties must file a stipulation of facts as discussed in the body of this order.

4. On or before February 25, 2015, Frontier must file a report explaining the call completion reports it is filing with the FCC and the actions it is taking to address and prevent call completion issues that would also cover call completion issues in Iowa. If Frontier needs a short extension of this deadline, it must file an appropriate motion.

5. Additional decisions regarding appropriate procedure for the case will be made after the stipulation and reports have been filed with the Board.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Trisha M. Quijano
Executive Secretary, Designee

Dated at Des Moines, Iowa, this 7th day of January 2016.