

October 13, 2015

IOWA UTILITIES BOARD

STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD

IN RE COMPLAINT OF:)	DOCKET NO. FCU-2013-0007
)	
)	
CAROLYN FRAHM)	
)	

**WINDSTREAM IOWA COMMUNICATIONS, INC.'S
RESPONSE TO OCA'S SUPPLEMENTAL REPORT**

On October 9, 2015 OCA filed its Supplemental Report stating that it did not reach settlement agreement with Impact, Inc. In the same report OCA stated it has reduced its earlier proposed 9 step solution to 4 steps, but acknowledged that there is no substantive difference between the 9 steps and the 4 steps. OCA's Supplemental Report went on to urge that the companies involved in the rural call completion cases be required to "implement the solutions proposed by OCA" until the Board takes further action with regard to these matters.

There is no basis whatsoever for OCA's proposal. OCA first proposed its 9 step solution on January 16, 2015. Subsequently, the companies each offered their own proposed effective, preventative, long-term solutions, which widely differed from OCA's proposal. No hearing has been held to consider the merits of the various proposals, and there has been no finding or adjudication that one set of proposals is superior to any other. On the existing record in this case, there is no basis for a determination that companies should be required to implement OCA's or anyone else's proposed solutions.

OCA's proposed solutions are deeply flawed and should not be adopted. The rural call completion cases are structured as formal complaints against individual companies, but call completion problems are an industry-wide problem and should be addressed with an industry-

wide inquiry and solutions. OCA's proposals focus only on some of the companies that have been implicated, rightly or wrongly, in call completion complaints filed with the Board, and OCA's investigation has not included all companies known to be in the call path. To adopt OCA's proposal on an interim basis while waiting for the Board's next step, would subject some companies to OCA's procedures, but would exclude other companies, even though some of the excluded companies are known to have been in the call path of a call that did not complete.

In addition, if OCA's proposal is adopted, Windstream would be subject to OCA's "proposed solutions" even though this case is the only rural call completion complaint that has ever been docketed against Windstream, and this is for a call in which Windstream was not responsible for the call completion failure. The record in this case shows that Windstream has worked diligently to prevent call completion problems.

On April 27, 2015 Windstream and other companies filed their own proposed effective, preventative, long-term solutions that are appropriate to each company's methods of doing business and position in the industry. In these and other proceedings, there has been no further inquiry into the OCA's or the companies' various proposals; none of the proposals has been tested; none of them has been rejected or found unsuitable; and none of them has been approved. This proceeding has made no determination that OCA's 9 step (now 4 step) proposed solutions are superior to the companies' various proposed solutions.

At the August 26, 2015 conference, Administrative Law Judge Christensen indicated the Board might consider a further Notice of Inquiry proceeding that could lead to the adoption of rules prescribing procedures designed to address rural call completion issues. Inasmuch as no new rural call completion complaints have been filed for some time, there is no urgency to adopt

OCA's proposal on an interim basis until the Board decides otherwise. OCA's proposal should be rejected in its entirety.

Respectfully submitted

BELIN McCORMICK, P.C.

By /s/ Richard W. Lozier, Jr.

Richard W. Lozier, Jr.

AT0004843

666 Walnut Street, Suite 2000

Des Moines, IA 50309-3989

Telephone: (515) 283-4636

Facsimile: (515) 558-0636

E-mail: rwlozier@belinmccormick.com

ATTORNEYS FOR WINDSTREAM IOWA
COMMUNICATIONS, INC.

PROOF OF SERVICE

I hereby certify that the foregoing document was automatically served electronically on all parties registered with the Electronic Filing System on: October 13, 2015.

Signature /s/ Lori McKimpson

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