

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
July 1, 2003	)	WCB/Pricing No. 03-15
Annual Access Charge Tariff Filings	)	
	)	
	)	

**ORDER ON RECONSIDERATION**

**Adopted: November 14, 2003**

**Released: November 17, 2003**

By the Commission:

**I. INTRODUCTION**

1. In this order, we reconsider the decision to set for investigation Iowa Telecommunications Services, Inc.'s, (Iowa Telecom) Transmittal No. 35 to its FCC Tariff No. 1 and terminate the investigation of the revised rates contained in that tariff transmittal.

**II. BACKGROUND**

2. On November 26, 2002, the Commission, responding to a forbearance petition filed by Iowa Telecom, released an order granting Iowa Telecom relief from the 0.95 cents per minute average traffic sensitive (ATS) target rate set in the *CALLS Order*<sup>1</sup> and permitting it to reset its ATS target rate at forward-looking economic cost (FLEC).<sup>2</sup> On March 25, 2003, Iowa Telecom filed Transmittal No. 31, to become effective April 9, 2003, proposing to increase its ATS target rate to 1.4876 cents per minute.<sup>3</sup> The Pricing Policy Division (Division) of the

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<sup>1</sup> See *Access Charge Reform*, CC Docket No. 96-262, Sixth Report and Order, 15 FCC Rcd 12962 (2000) (*CALLS Order*) (subsequent history omitted). The *CALLS Order* established an integrated access charge reform and universal service regime for price cap local exchange carriers (LECs), including Iowa Telecom. Each price cap LEC had to choose either to subscribe to the ATS target rate levels established by the *CALLS Order* for the full, five-year term of the *CALLS* plan, or to submit a cost study setting a new ATS target rate based on forward looking economic cost. *Id.* at 12985.

<sup>2</sup> *Petition for Forbearance of Iowa Telecommunications Services, Inc. D/B/A Iowa Telecom Pursuant to 47 U.S.C. 160(c) from the Deadline for Price Cap Carriers to Elect Interstate Access Rates Based on the CALLS Order or a Forward Looking Cost Study*, CC Docket No. 01-331, Order, 17 FCC Rcd 24319, 24325, paras. 17-18 (2002) (*Forbearance Order*).

<sup>3</sup> Iowa Telecommunications Services, Inc., Tariff FCC No. 1, Transmittal No. 31, Description and Justification at 3 (filed Mar. 25, 2003).

Commission's Wireline Competition Bureau suspended the proposed rate for one day, imposed an accounting order, and set the proposed rate for investigation.<sup>4</sup>

3. On June 16, 2003, Iowa Telecom filed Transmittal No. 35, containing its annual access tariff filing, to become effective July 1, 2003.<sup>5</sup> No party opposed Transmittal No. 35. On June 30, 2003, the Division suspended for one day and set for investigation the revised access rates filed in Transmittal No. 35.<sup>6</sup> Specifically, the Division was concerned that Iowa Telecom developed its proposed rates utilizing ATS rates that were the subject of a pending investigation of the rates filed in Transmittal No. 31. The tariff transmittal also raised issues regarding Iowa Telecom's common line rates because of the interrelationship between revenue recovery from local switching rates and common line rates.<sup>7</sup>

4. On September 3, 2003, Iowa Telecom filed Transmittal No. 39, to become effective September 10, 2003, reducing its proposed ATS target rate to 1.2015 cents per minute.<sup>8</sup> In Transmittal No. 39, Iowa Telecom committed to refund amounts collected under Transmittal No. 31 that were in excess of the amounts that it would have collected if the rates contained in Transmittal No. 39 had been in effect.<sup>9</sup> On the basis of Iowa Telecom's filing of a new, lower ATS target rate and its refund commitment, we terminated the investigation of Iowa Telecom's rates filed in Transmittal No. 31 on September 9, 2003.<sup>10</sup>

### III. DISCUSSION

5. The issues raised by Transmittal No. 35 that led the Division to suspend the rates in that transmittal arose as a result of the pending issues designated for investigation with respect to Transmittal No. 31. In light of our termination of the investigation of the rates in Transmittal No. 31, we conclude that there are no remaining issues relating to Transmittal No. 35 that warrant further investigation. We therefore reconsider the decision to set for investigation certain issues concerning the revised rates contained in Transmittal No. 35 and terminate the investigation into that tariff filing.

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<sup>4</sup> *Iowa Telecommunications Services, Inc., Tariff FCC No. 1, Transmittal No. 31*, Order, 18 FCC Rcd 6495 (WCB/Pricing 2003).

<sup>5</sup> *Iowa Telecommunications Service, Inc., FCC Tariff No. 1, Transmittal No. 35* (filed June 16, 2003).

<sup>6</sup> July 1, 2003, Annual Access Charge Tariff Filings, WCB/Pricing 03-15, Order, DA 03-2118 (WCB/Pricing, rel. June 30, 2003) (*Suspension Order*).

<sup>7</sup> *Suspension Order* at para. 5.

<sup>8</sup> *Iowa Telecommunications Services, Inc., Tariff FCC No. 1, Transmittal No. 39* (filed Sept. 3, 2003).

<sup>9</sup> *Iowa Telecommunications Services, Inc., Tariff FCC No. 1, Transmittal No. 39, Description and Justification at 2* (filed Sept. 3, 2003).

<sup>10</sup> *Iowa Telecommunications Services, Inc., Tariff FCC No. 1, Transmittal No. 31*, WC Docket No. 03-135, Order Terminating Tariff Investigation, FCC 03-221 (rel. Sept. 9, 2003).

**IV. ORDERING CLAUSES**

6. Accordingly, IT IS ORDERED that, pursuant to sections 0.91, 0.291 and 1.108 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.108, we reconsider on our own motion our decision in the *Suspension Order* to suspend and investigate the revised tariff rates of Iowa Telecommunications Services, Inc., filed in Transmittal No. 35.

7. IT IS FURTHER ORDERED that, pursuant to sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, the investigation and accounting order imposed in WCB/Pricing File No. 03-15 IS TERMINATED with respect to Iowa Telecommunications Services, Inc.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary