

199—39.2 (476) Eligible carrier requirements.

39.2(1) Services required. Each eligible telecommunications carrier must offer the services supported by the federal Universal Service Fund throughout the approved service area. These services are:

a. Voice grade access to the public switched network. “Voice grade access” is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call. For purposes of universal service, voice grade access shall occur within the frequency range of between approximately 500 Hertz and 4,000 Hertz, for a bandwidth of approximately 3,500 Hertz;

b. Local usage. “Local usage” means an amount of minutes of use of exchange service, prescribed by the Federal Communications Commission, provided free of charge to end users;

c. Dual tone multifrequency signaling or its functional equivalent. “Dual tone multifrequency (DTMF)” is a method of signaling that facilitates the transportation of signaling through the network, shortening call setup time;

d. Single-party service or its functional equivalent. “Single-party service” is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed, or, in the case of wireless telecommunications carriers, which use spectrum shared among users to provide service, a dedicated message path for the length of a user’s particular transmission;

e. Access to emergency services. “Access to emergency services” includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations. “911” is defined as a service that permits a telecommunications user, by dialing the three-digit code 911, to call emergency services through a Public Service Access Point (PSAP) operated by the local government. “Enhanced 911” is defined as 911 service that includes the ability to provide automatic numbering information (ANI), which enables the PSAP to call back if the call is disconnected, and automatic location information (ALI), which permits emergency service providers to identify the geographic location of the calling party. “Access to emergency services” includes access to 911 and enhanced 911 services to the extent the local government in an eligible carrier’s service area has implemented 911 or enhanced 911 systems;

f. Access to operator services. “Access to operator services” is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call;

g. Access to interexchange service. “Access to interexchange service” is defined as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier’s network;

h. Access to directory assistance. “Access to directory assistance” is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings; and

i. Toll limitation for qualifying low-income consumers. Toll limitation for qualifying low-income consumers includes toll blocking and toll control.

39.2(2) Additional time to complete network upgrades. The board may grant the petition of a telecommunications carrier, otherwise eligible to receive universal service support, requesting additional time to complete the network upgrades needed to provide single-party service, access to enhanced 911 service, or toll limitation. If such petition is granted, the otherwise eligible telecommunications carrier will be permitted to receive support for the duration of the period designated by the board. The board will grant such a request only upon a finding that exceptional circumstances prevent an otherwise eligible telecommunications carrier from providing single-party service, access to enhanced 911 service, or toll limitation. The period will extend only as long as the board finds that exceptional circumstances exist and will not extend beyond the time that the board deems necessary for that eligible telecommunications carrier to complete network upgrades. An otherwise eligible telecommunications carrier that is incapable of offering one or more of these three specific universal services must demonstrate to the board that

exceptional circumstances exist with respect to each service for which the carrier desires a grant of additional time to complete network upgrades.

39.2(3) Carrier eligibility requirements. In addition to providing the services required in 39.2(1), each eligible carrier must:

a. Offer the services required using its own facilities or a combination of its own facilities and resale of another carrier's services. "Own facilities" includes unbundled network elements, in whole or in part. A carrier cannot qualify by providing all of the required services via resale.

b. Advertise the availability of the required services and the charges for the services using media of general distribution to residential customers. Carrier must advertise at least annually, in a publication of general circulation, throughout its approved service area.

c. Submit an explanation of how the carrier will provide each of the supported services listed in 39.2(1).

d. Submit a description, including a detailed map or maps, of the area or areas for which ETC designation is sought. Commercial mobile radio service (CMRS) providers, as defined in 47 CFR Parts 20 and 24, shall file coverage area maps that depict signal strength.

e. Submit a network improvement and maintenance plan associated with the provision of universal supported services. An ETC applicant shall submit a two-year plan specifically describing its proposed network improvements, upgrades, and maintenance for its proposed designated service area. The plan must demonstrate in detail how high-cost support will be used for service improvements or maintenance that would not occur absent support. The plan must demonstrate: (1) how signal quality, coverage, or capacity will improve in the designated area due to receipt of support; (2) the projected start date and completion date for each improvement, including the estimated amount of investment per project funded by high-cost support; (3) the specific geographic areas where improvements will be made; and (4) the estimated population that will be served as a result of the improvements. This information shall identify the benefits to specific wire centers in the carrier's proposed designated service area. Carriers that are not requesting high-cost support shall indicate this in their applications. Carriers that are not seeking or receiving high-cost support are not required to file network improvement and maintenance plans, nor are they required to file annual extensions and progress reports.

f. Demonstrate compliance with applicable consumer protection standards. Wireline ETC applicants shall commit to complying with the consumer protection rules set out in 199—Chapters 6 and 22. Wireless ETC applicants shall commit to complying with the following minimum consumer protection standards:

(1) Provide disclosure rates and terms of service to consumers. For each rate plan offered to new consumers, wireless carriers shall make available to consumers in collateral or other disclosures at point of sale and on their Web sites, at a minimum, the following information, as applicable:

1. The calling area for the plan;
2. The monthly access fee or base charge;
3. The number of airtime minutes included in the plan;
4. Any night and weekend minutes included in the plan or other differing charges for different time periods and the time periods when night and weekend minutes or other charges apply;
5. The charges for excess or additional minutes;
6. Per-minute long distance charges or whether long distance is included in other rates;
7. Per-minute roaming or off-network charges;
8. Whether any additional taxes, fees or surcharges apply;
9. The amount or range of any such fees or surcharges that are collected and retained by the carrier;
10. Whether a fixed-term contract is required and, if so, its duration;
11. Any activation or initiation fee; and
12. Any early termination fee that applies and the trial period during which no early termination fee will apply.

(2) Make available maps showing where service is generally available. Wireless carriers shall make available at point of sale and on their Web sites maps depicting approximate voice service coverage applicable to each of their rate plans currently offered to consumers. To enable consumers to make comparisons among carriers, these maps shall be generated using generally accepted methodologies and standards to depict outdoor coverage. All such maps shall contain an appropriate legend concerning limitations and variations in wireless coverage and map usage, including any geographic limitations on the availability of any services included in the rate plan. Wireless carriers shall periodically update such maps as necessary to keep the maps reasonably current. If necessary to show the extent of service coverage available to customers from carriers' roaming partners, carriers shall request and incorporate roaming partners' coverage maps that are generated using similar industry-accepted criteria or, if such information is not available, incorporate publicly available information regarding roaming partners' coverage areas.

(3) Provide contract terms to customers and confirm changes in service. When a customer initiates service with a wireless carrier or agrees to a change in service whereby the customer is bound to a contract extension, the carrier shall provide or confirm the material terms and conditions of service with the customer.

(4) Allow a trial period for new service. When a customer initiates service with a wireless carrier, the customer shall be informed of and given a period of not less than 14 days to try out the service. The carrier shall not impose an early termination fee if the customer cancels service within this period, provided that the customer complies with applicable return and exchange policies. Other charges, including airtime usage, may still apply.

(5) Provide specific disclosure in advertising. In advertising of prices for wireless service or devices, wireless carriers shall disclose material charges and conditions related to the advertised prices, including if applicable and to the extent the advertising medium reasonably allows:

1. Activation or initiation fees;
2. Monthly access fees or base charges;
3. Any required contract term;
4. Early termination fees;
5. The terms and conditions related to receiving a product or service for "free";
6. The times of any peak and off-peak calling periods;
7. Whether different or additional charges apply for calls outside the carrier's network or outside designated calling areas;
8. For any rate plan advertised as "nationwide" (or using a similar term), the carrier shall have available substantiation for this claim;
9. Whether prices or benefits apply only for a limited time or promotional period and, if so, any different fees or charges to be paid for the remainder of the contract term;
10. Whether any additional taxes, fees, or surcharges apply; and
11. The amount or range of any such fees or surcharges collected and retained by the carrier.

(6) Separately identify carrier charges from taxes on billing statements. On customers' bills, the carrier shall distinguish monthly charges for service and features and other charges collected and retained by the carrier from taxes, fees, and other charges collected by the carrier and remitted to federal, state, or local governments. Carriers shall not label cost recovery fees or charges as taxes.

(7) Provide customers the right to terminate service for changes to contract terms. Carriers shall not modify the material terms of their subscribers' contracts in a manner that is materially adverse to subscribers without providing a reasonable advance notice of a proposed modification and allowing subscribers a time period of not less than 14 days to cancel their contracts with no early termination fee.

(8) Provide ready access to customer service. Customers shall be provided a toll-free telephone number to access a carrier's customer service department during normal business hours. Customer service contact information shall be provided to customers on line and on billing statements. Each wireless carrier shall provide information about how customers may contact the carrier in writing, by toll-free telephone number, via the Internet, or otherwise with any inquiries or complaints, and this

information shall be included, at a minimum, on all billing statements, in written responses to customer inquiries, and on carriers' Web sites. Each carrier shall also make such contact information available, upon request, to any customer calling the carrier's customer service department.

(9) Promptly respond to consumer inquiries and complaints received from government agencies. Inquiries for information or complaints to a wireless ETC shall be resolved promptly and courteously. If a wireless ETC cannot resolve a dispute with the applicant or customer, the wireless ETC shall inform the applicant or customer of the right to file a complaint with the board. The wireless ETC shall provide the following board address and toll-free telephone number: Iowa Utilities Board, Customer Service, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319-0069; 1-877-565-4450. When the board receives a complaint, the procedures set out in 199—Chapter 6, "Complaint Procedures," shall be followed to enforce the minimum consumer protection standards in paragraph 39.2(3) "f." When the board receives a complaint alleging the addition or deletion of a product or service for which a separate charge is made to a customer account without the verified consent of the customer, the complaint shall be processed by the board pursuant to 199—Chapter 6. In any complaint proceeding pursuant to this subparagraph, if the wireless ETC asserts that the complainant is located in an area where the wireless ETC is not designated as an ETC, the wireless ETC must submit evidence in support of its assertion.

(10) Abide by policies for protection of customer privacy. Each wireless ETC shall abide by a policy regarding the privacy of customer information in accordance with applicable federal and state laws and shall make available to the public its privacy policy concerning information collected on line.

g. Demonstrate compliance with applicable service quality standards. Wireline ETC applicants shall demonstrate that they will comply with applicable service quality standards set forth in 199—Chapter 22. All ETC applicants shall commit to complying with the service quality reporting requirements set forth in 199—39.5(476).

h. Certify the ability to maintain a minimum of two hours of backup power to ensure functionality without an external power source.

i. Demonstrate a commitment to offer a local usage plan comparable to the one offered by the incumbent local exchange carrier in the areas for which the carrier seeks designation. ETC applicants shall commit to providing Lifeline and Link-Up consistent with 47 CFR 54.401 and 47 CFR 54.411.

j. File a statement that the carrier acknowledges that the FCC may require it to provide equal access if all other eligible carriers in its ETC designated service area relinquish their designations pursuant to Section 214(e) of the Telecommunications Act of 1996.

k. When the ETC applicant seeks to provide service in a rural area, demonstrate that granting ETC designation is in the public interest. The public interest analysis shall include discussion of the benefits of increased consumer choice and, if relevant, of the benefits of providing consumer choices on service offerings in rural and high-cost areas. The public interest analysis shall also include discussion of the particular advantages and disadvantages of the applicant's offering. For example, the analysis may discuss the potential benefits of mobility that wireless carriers provide in geographically isolated areas, the potential impact on toll charges to affected consumers, and the potential for consumers to obtain services such as voicemail, numeric paging, call forwarding, three-way calling, call waiting, and other premium services comparable to those provided in urban areas. The analysis shall also address the disadvantages of dropped-call rates and poor coverage.

l. Respond to board requests for information related to the status of local voice service markets or facilities. Board requests may include requests for surveys on the number of customers using specific services, facilities, or service packages and explanations of services or service packages, pricing on services offered, carrier advertising efforts, and market trends.

39.2(4) *Determination of eligibility.* Eligibility to receive support from the Universal Service Fund must be obtained from the board. To be designated an eligible carrier, a carrier must file a request using the form that appears in this subrule.

IOWA DEPARTMENT OF COMMERCE
UTILITIES BOARD

**REQUEST FOR UNIVERSAL SERVICE
ELIGIBLE CARRIER STATUS IN IOWA**

This form is to be completed by the petitioning Carrier and returned to the Board. This form is intended to enable compliance with 199 IAC 39.2(4).

1. FULL NAME OF CARRIER PROVIDING SERVICE IN IOWA:

CARRIER MAILING ADDRESS:

NAME, TITLE AND TELEPHONE NUMBER OF CONTACT PERSON:

CHECK HERE IF CARRIER HEREBY CERTIFIES THAT IT OFFERS THE SERVICES DESIGNATED FOR UNIVERSAL SUPPORT AS LISTED AND DEFINED IN 199 IAC 39.2(1).

CHECK HERE IF CARRIER SEEKS ADDITIONAL TIME TO COMPLETE NETWORK UPGRADES UNDER THE PROVISIONS OF 199 IAC 39.2(2). THE CARRIER PETITION FOR ADDITIONAL TIME SHOULD BE INCLUDED AS AN ATTACHMENT TO THIS FORM. CARRIER CERTIFIES THAT IT OFFERS THE SERVICES LISTED IN 199 IAC 39.2(1) OTHER THAN THOSE FOR WHICH ADDITIONAL TIME IS SOUGHT.

2. CARRIER USES ITS OWN FACILITIES TO PROVIDE SERVICES SUPPORTED BY UNIVERSAL SERVICE FUND OR PROVIDES THE SERVICES BY A COMBINATION OF ITS OWN FACILITIES AND RESALE OF ANOTHER CARRIER'S SERVICE(S). "OWN FACILITIES" IS DEFINED IN 199 IAC 39.2(3) "a."

3. CARRIER WILL ADVERTISE AT LEAST ANNUALLY THE AVAILABILITY OF SERVICES DESIGNATED FOR UNIVERSAL SERVICE SUPPORT AND THE CHARGES THEREFOR USING MEDIA OF GENERAL DISTRIBUTION.

4. _____ CHECK HERE IF CARRIER IS NOT CURRENTLY APPROVED TO PROVIDE LOCAL SERVICE. IF CHECKED, PLEASE INCLUDE WITH THE FILING OF THIS REQUEST DOCUMENTATION SHOWING YOUR SERVICE AREA.

ATTESTATION

I, _____, certify that I am the company officer responsible for this request, that I have examined the foregoing request, and that to the best of my knowledge, information, and belief all statements of fact contained in the request are correct statements of the business and affairs of the applicant with respect to each and every matter set forth.

Dated ____/____/____
Telephone Number (____)____-____
SIGNATURE _____

39.2(5) Area served.

a. Unless otherwise ordered by the board, the approved service area for Universal Service Fund support calculations will be the same as the service area currently approved for local service by the board.

Those carriers not currently approved to provide local service are required to provide documentation showing their service area.

b. In the case of a service area served by a rural telephone company, “service area” means such company’s “study area” unless and until the Commission and the states, after taking into account recommendations of a Federal-State Joint Board instituted under Section 410(c) of the Act, establish a different definition of service area for such company.

c. In the case of a wireless telecommunications carrier, “service area” means that area where the wireless company has been licensed by the FCC to provide service.

(1) If the application of 39.2(5) “*c*” and the service requirement of 39.2(1) pose an undue hardship on a wireless telecommunications carrier seeking designation as an eligible telecommunications carrier, a wireless carrier may request a waiver of 39.2(1), pursuant to 199—1.3(17A,474,476,78GA,HF2206).

(2) Requests by a wireless telecommunications carrier for a waiver of 39.2(1) must state, in addition to the requirements established in 199—1.3(17A,474,476,78GA,HF2206), the extent of the area in which the carrier is licensed by the FCC to provide service, the extent of the area in which the carrier is seeking designation, and the carrier’s ability to expand universal service fund-supported services throughout its licensed service area within a reasonable time frame. A request for a waiver under 39.2(5) “*c*” must also include a statement that, should a wireless carrier receive a request from a potential customer within its service area but outside its existing network coverage, the wireless carrier will take a number of steps to provide service to that customer which may include modification or replacement of the requesting customer’s equipment, deployment or installation of a roof-mounted antenna or other equipment necessary to provide service, cell tower adjustments, network or customer facility adjustments, an offer of resold services from another carrier’s facilities to provide service, or the employment or construction of an additional cell site, cell extender or repeater.

39.2(6) *Location of facilities.* The facilities providing the services supported by the universal fund need not be physically located in the area served.

39.2(7) *Previously designated ETCs.* Any carrier that was designated by the board as an ETC before November 29, 2006, and that receives high-cost universal service support pursuant to applicable federal regulations governing high-cost support shall file a statement demonstrating compliance with the requirements in 39.2(3) “*d*” through “*j*” on or before March 1, 2007. As part of this filing, each ETC shall file a network improvement and maintenance plan for a reporting period of January 1, 2007, through December 31, 2008. Each carrier shall also acknowledge that it will respond to board requests for information related to the status of local voice service markets or facilities as required by 39.2(3) “*l*.” A wireline ETC that has service area maps on file with the board, or that adopts such maps before November 29, 2006, does not need to refile the service area maps as would otherwise be required by 39.2(3) “*d*.”