

**476.101 Local exchange competition.**

1. A certificate of public convenience and necessity to provide local telephone service shall not be interpreted as conveying a monopoly, exclusive privilege, or franchise. A competitive local exchange service provider shall not be subject to the requirements of [this chapter](#), except that a competitive local exchange service provider shall obtain a certificate of public convenience and necessity pursuant to [section 476.29](#),\* notify affected customers prior to any rate increase, file reports, information, and pay assessments pursuant to [section 476.2, subsection 4](#), and [sections 476.9, 476.10, 476.16, 476.102, and 477C.7](#), and shall be subject to the board's authority with respect to adequacy of service, interconnection, discontinuation of service, civil penalties, and complaints. If, after notice and opportunity for hearing, the board determines that a competitive local exchange service provider possesses market power in its local exchange market or markets, the board may apply such other provisions of [this chapter](#) to a competitive local exchange service provider as it deems appropriate.

2. The duty of a local exchange carrier includes the duty, in accordance with requirements prescribed by the board pursuant to [subsection 3](#) and other laws, to provide equal access to, and interconnection with, its facilities so that its network is fully interoperable with the telecommunications services and information services of other providers, and to offer unbundled essential facilities.

3. *a.* A local exchange carrier shall provide reasonable access to ducts, conduits, rights-of-way, and other pathways owned or controlled by the local exchange carrier to which reasonable access is necessary to a competitive local exchange service provider in order for a competitive local exchange service provider to provide service and is feasible for the local exchange carrier.

*b.* Upon application of a local exchange carrier or a competitive local exchange service provider, the board shall determine any matters concerning reasonable access to ducts, conduits, rights-of-way, and other pathways owned or controlled by the local exchange carrier upon which agreement cannot be reached, including but not limited to, matters regarding valuation, space, and capacity restraints, and compensation for access.

4. Except as provided under [section 476.29, subsection 2](#),\* and [this section](#), the board shall not impose or allow a local exchange carrier to impose restrictions on the resale of local exchange services, functions, or capabilities. The board may prohibit residential service from being resold as a different class of service.

5. Any person may file a written complaint with the board requesting the board to determine compliance by a local exchange carrier with the provisions of [sections 476.96, 476.100, and 476.102](#), and [this section](#), or any board rules implementing those sections. Upon the filing of such complaint, the board may promptly initiate a formal complaint proceeding and give notice of the proceeding and the opportunity for hearing. The formal complaint proceeding may be initiated at any time by the board on its own motion. The board shall render a decision in the proceeding within ninety days after the date the written complaint was filed. The board, for good cause shown, may extend the deadline for acting upon the complaint for an additional period not to exceed thirty days.

6. A telecommunications carrier, as defined in the federal Telecommunications Act of 1996, shall not do any of the following:

*a.* Use customer information in a manner which is not in compliance with 47 U.S.C. §222.

*b.* Disparage the services offered by another telecommunications carrier through false or misleading statements.

*c.* Take any action that disadvantages a customer who has chosen to receive services from another telecommunications carrier.

7. In a proceeding associated with the granting of a certificate under [section 476.29](#),\* approving maps for competitive local exchange providers provided for in [this section](#), or in resolving a complaint filed pursuant to [subsection 5](#) and proceedings under 47 U.S.C. §251 – 254, the board shall allocate the costs and expenses of the proceedings to persons identified as parties in the proceeding who are engaged in or who seek to engage in providing telecommunications services or other persons identified as participants in the proceeding. The funds received for the costs and the expenses shall be remitted to the treasurer of state for

deposit in the department of commerce revolving fund created in [section 546.12](#) as provided in [section 476.10](#).

[95 Acts, ch 199, §12](#); [98 Acts, ch 1151, §5](#); [99 Acts, ch 20, §4, 6](#); [2009 Acts, ch 181, §50](#); [2014 Acts, ch 1099, §16, 17](#)

Referred to in [§476.1B](#), [§476.96](#), [§476.102](#)

\*Section 476.29 repealed by 1992 Acts, ch 1058, §3; 2007 Acts, ch 4, §1; corrective legislation is pending