

CHAPTER 39  
UNIVERSAL SERVICE

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**199—39.1(476) Authority and purpose.** These rules relate to the commission’s designation of telecommunications carriers as eligible to receive support from the federal universal service fund and are prescribed by the commission pursuant to Iowa Code sections 17A.4, 476.2, 476.15 and 476.102 and 47 U.S.C. §§ 214(e) and 254. These rules are intended to preserve and advance universal service by implementing the commission’s authority to designate eligible telecommunications carriers (ETCs). These rules establish procedures for applying for designation as an eligible telecommunications carrier and for relinquishing such designation; adopt service requirements for eligible telecommunications carriers; and establish state certification and reporting requirements consistent with federal requirements.

[ARC 1899C, IAB 3/4/15, effective 4/8/15; Editorial change: IAC Supplement 7/24/24]

**199—39.2(476) Definition of terms.** For the purposes of the commission’s implementation of federal universal service fund requirements, the following definitions apply. Whenever a reference in this chapter is made to provisions found in 47 CFR Part 36, 51 or 54, that reference includes any amendment through February 20, 2019.

“*Broadband service*” means the broadband Internet access service designated by the Federal Communications Commission at 47 CFR § 54.101 as eligible for support by the federal universal service support mechanisms. Eligible broadband Internet access services must provide the capability to transmit data and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.

“*Competitive eligible telecommunications carrier*” means a carrier that meets the definition of an “eligible telecommunications carrier” below and does not meet the definition of an “incumbent local exchange carrier” in 47 CFR § 51.5.

“*Connect America fund*” or “*CAF*” means the federal universal service fund, as reformed by the Federal Communications Commission, to phase down and replace support previously provided through high-cost mechanisms, as referenced in 47 CFR §§ 54.304 and 54.312.

“*Eligible telecommunications carrier*” or “*eligible carrier*” means a carrier designated by the commission as eligible to receive universal service support pursuant to 47 U.S.C. § 214(e).

“*Facilities*” means any physical components of the telecommunications network that are used in the transmission or routing of the services designated for universal service fund support.

“*High-cost program*” means the component of the federal universal service fund that includes the following support mechanisms: high-cost loop support, safety net support, safety valve support, local switching support, interstate common line support, high-cost model support, interstate access support, and the connect America fund, which includes funding to support and advance networks that provide voice and broadband services, both fixed and mobile.

“*High-cost support*” means those support mechanisms in existence as of October 1, 2011, specifically, high-cost loop support, safety net additive support and safety valve support provided pursuant to 47 CFR Part 36, Subpart F; local switching support pursuant to 47 CFR § 54.301; forward-looking support pursuant to 47 CFR § 54.309; interstate access support pursuant to 47 CFR §§ 54.800 through 54.809; interstate common line support pursuant to 47 CFR §§ 54.901 through 54.904; support provided pursuant to 47 CFR §§ 51.915, 51.917, and 54.304; support provided to competitive eligible telecommunications carriers as set forth in 47 CFR § 54.307(e); connect America fund support provided pursuant to 47 CFR § 54.312; mobility fund support provided pursuant to 47 CFR Part 54, Subpart L; and Rural Broadband Experiment support.

“*Lifeline-only ETC*” means a telecommunications carrier that seeks limited designation as an ETC only to participate in the Lifeline program.

“*Lifeline program*” means the federal universal service program providing support for low-income consumers that is defined in 47 CFR § 54.401 to mean a nontransferable retail service offering (1) for which qualifying low-income consumers pay reduced charges as a result of application of the Lifeline support amount described in 47 CFR § 54.403, and (2) which provides qualifying low-income consumers with voice telephony service as defined in 47 CFR § 54.101(a) or broadband Internet access service as defined in 47 CFR § 54.400.

“*Mobility fund*” means the wireless component of the connect America fund which provides support for the extension of mobile broadband networks in otherwise unserved areas.

“*National Lifeline accountability database*” means the electronic system, with associated functions, processes, policies and procedures, to facilitate the detection and elimination of duplicative support, as directed by the Federal Communications Commission and as defined in 47 CFR § 54.400.

“*National Lifeline eligibility verifier*,” as defined in 47 CFR § 54.400(o), means the electronic and manual system that facilitates the determination of consumer eligibility for the Lifeline program.

“*Qualifying low-income consumer*” means a consumer who meets the qualifications for Lifeline as specified in 47 CFR § 54.409.

“*Services designated for support*” means voice telephony service and broadband service.

“*Tribal Link Up*” means an assistance program for eligible residents of tribal lands seeking telecommunications service from a telecommunications carrier that is receiving high-cost support on tribal lands, that provides a reduction of the customary charge for commencing telecommunications service for a single telecommunications connection at a subscriber’s principal place of residence and a deferred schedule of payments of the customary charge for commencing telecommunications service as defined in 47 CFR § 54.413(a).

“*Voice telephony service*” means the service designated by the Federal Communications Commission at 47 CFR § 54.101 as eligible for support by the federal universal service support mechanisms. “Voice telephony service” is service which provides:

1. Voice grade access to the public switched network or its functional equivalent;
2. Minutes of use for local service at no additional charge to end users;
3. Access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier’s service area has implemented 911 or enhanced 911 systems; and
4. Toll limitation services to qualifying low-income consumers as provided in 47 CFR Part 54, Subpart E.

[ARC 1899C, IAB 3/4/15, effective 4/8/15; ARC 4254C, IAB 1/16/19, effective 2/20/19; Editorial change: IAC Supplement 7/24/24]

### **199—39.3(476) Applying for designation as an eligible telecommunications carrier.**

**39.3(1)** A telecommunications carrier must be designated as an ETC to qualify for support from the federal universal service fund. The Iowa utilities commission reviews applications for designation as an ETC for compliance with 47 U.S.C. § 214(e)(1) and grants ETC designations to qualified applicants for a service area designated by the commission. If an applicant requests an expedited ruling from the commission on an application to be designated as an ETC or on an amendment to an existing ETC designation, the applicant shall specify why an expedited process is necessary and why an expedited review would not be contrary to the public interest.

**39.3(2)** An application for an ETC designation must contain the following:

*a.* Where an applicant offers more than one type of communications service, a clear statement of which entity is requesting the designation.

*b.* A clear statement of the purposes for which the designation is sought, and a statement of financial and technical qualification to provide the supported service. An applicant shall specify whether designation is sought for purposes of receiving support from the high-cost fund or mobility fund; for Lifeline purposes only; or other specified purpose recognized by the Federal Communications Commission (FCC).

*c.* A certification that the applicant offers or intends to offer all services designated for support throughout the applicant’s approved service area. The services designated for support are identified in 47 CFR § 54.101.

*d.* An explanation of how the carrier will provide voice telephony service and broadband service as defined in 199—39.2(476) and 47 CFR § 54.101.

*e.* A certification that the applicant offers or intends to offer the supported services either 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. The facilities providing the services supported by the universal service fund need not be physically located in the area served. Wireless resellers shall provide the name of the facilities-based wireless carrier(s) whose services they are reselling and demonstrate they have an agreement with the carrier(s) in Iowa that will cover the applicant's proposed designated service area. Except for wireless resellers seeking ETC designation for Lifeline purposes only that have obtained FCC approval of a compliance plan and committed to certain 911 conditions, the commission will not designate as an eligible telecommunications carrier a carrier that offers the services supported by federal universal service support mechanisms exclusively through the resale of another carrier's services.

*f.* A description of how the applicant advertises the availability of supported services and the charges therefor using media of general distribution.

*g.* A detailed description, including a map or maps, of the geographic service area for which the applicant requests an ETC designation from the commission. An applicant seeking designation in connection with the connect America fund Phase II auction or other similar conditional support mechanism shall file a list of the census blocks in which the applicant will serve as an ETC, in addition to the map included with the description required by this paragraph. Wireless telecommunications carriers, defined as commercial mobile radio service providers in 47 CFR Parts 20 and 24, shall file coverage area maps and maps that depict signal strength. Requests to withhold from public inspection maps depicting signal strength will be deemed granted as provided in 199—paragraph 1.9(5)"c."

*h.* Where the application is from a carrier seeking a designation as an ETC for an area served by a rural telephone company as defined in 47 CFR § 51.5, a demonstration that the requested designation is in the public interest.

*i.* An affirmative statement that the applicant will use the support only for the provision, maintenance, and upgrading of facilities to deploy, improve, and support services to consumers in the applicant's designated service area. Applicants seeking designation only for purposes of receiving support from the Lifeline program need not include an affirmative statement or other information concerning network improvements planned for the designated service area.

*j.* An affirmative statement explaining how the applicant will remain functional in emergency situations. The statement shall include examples illustrating that the applicant has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

*k.* A certification that the applicant will comply with the service requirements applicable to the support that it seeks to receive.

*l.* A certification that the applicant will satisfy applicable consumer protection and service quality standards. Wireless ETC applicants shall commit to complying with the following minimum consumer protection standards:

(1) Disclose rates and terms of service to consumers. For each service plan offered to new consumers, wireless carriers will disclose to consumers at point of sale and on their websites at least the following information, as applicable: (a) the coverage area for the service; (b) any activation or initiation fee; (c) the monthly access fee or base charge; (d) the amount and nature of any voice, messaging, or data allowances included in the plan (such as night and weekend minutes); (e) the charges for domestic usage in excess of any included allowances or outside of the coverage area; (f) for prepaid service plans, the period of time during which any balance is available for use; (g) whether there are prohibitions on data service usage and whether there are network management practices that will have a material impact on the customer's wireless data experience; (h) whether any additional taxes, fees or surcharges apply; (i) the amount or range of any such fees or surcharges that are collected and retained by the carrier; (j) the amount or nature of any late payment fee; (k) whether a fixed-term contract is required and its duration; (l) the amount and nature of any early termination fee that may apply; and (m) the trial period during which a consumer may cancel

service without any early termination fee, as long as the consumer complies with any applicable return policy.

(2) Make available maps showing where service is generally available. Wireless carriers will make available at point of sale and on their websites maps depicting approximate domestic coverage applicable to each of their service plans currently offered to consumers. To enable consumers to make comparisons among carriers, these maps will be generated using generally accepted methodologies and standards to depict the carrier's outdoor coverage. All such maps will contain or link to an appropriate legend concerning limitations or variations, or both, in wireless coverage and map usage, including any geographic limitations on the availability of any services included in the plan. Wireless carriers will periodically update such maps as necessary to keep them reasonably current. If necessary to show the extent of service coverage available to customers from carriers' roaming partners, carriers will request from roaming partners and incorporate 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 new service or a change in existing service, the carrier will provide or confirm any new material terms and conditions of the ongoing service with the customer.

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

(5) Provide specific disclosures in advertising. In advertising of prices for wireless service plans or devices, wireless carriers will disclose material charges and conditions related to the advertised prices and services, including if applicable and to the extent the advertising medium reasonably allows: (a) whether activation or initiation fees apply; (b) monthly access fees or base charges; (c) the amount and nature of any voice, messaging, or data service allowances included in the plan; (d) the charges for any domestic usage in excess of any included allowances or outside of the coverage area; (e) for prepaid service plans, the period of time during which any balance is available for use; (f) whether there are network management practices that will have a material impact on the customer's wireless data experience; (g) whether any additional taxes, fees or surcharges apply; (h) the amount or range of any such fees or surcharges that are collected and retained by the carrier; (i) whether a fixed-term contract is required and its duration; (j) early termination fees; (k) the terms and conditions related to receiving a product or service for "free"; (l) for any service plan advertised as "nationwide" (or using similar terms), the carrier will have available substantiation for this claim; and (m) whether prices or benefits apply only for a limited time or promotional period and, if so, whether any different fees or charges will apply for the remainder of the contract term.

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

(7) Provide customers the right to terminate service for changes to contract terms. Carriers will not modify the material terms of their postpaid customers' contracts in a manner that is materially adverse to those customers without providing a reasonable advance notice of a proposed modification and allowing those customers 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 will be provided a toll-free telephone number to access a carrier's customer service during normal business hours. Customer service contact information will be provided to customers online and on billing statements. Each wireless carrier will provide information about how customers can contact the carrier in writing, by toll-free telephone number, via the Internet or otherwise with any inquiries or complaints, and this information will be included, at a minimum, on all billing statements, in written responses to customer inquiries and on carriers' websites. Each carrier

will also make such contact information available, upon request, to any customer calling the carrier's customer service departments.

(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 commission. The wireless ETC shall provide the following commission address and toll-free telephone number: Iowa Utilities Commission, Customer Service, 1375 E. Court Avenue, Des Moines, Iowa 50319-0069; 1-877-565-4450. When the commission 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 39.3(2)“l.” When the commission 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 commission 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 carrier will abide by a policy regarding the privacy of customer information in accordance with applicable federal and state laws, and will make available to the public its privacy policy concerning information collected online. Each wireless carrier will abide by the Cellular Telecommunications and Internet Association's Best Practices and Guidelines for Location-Based Services.

(11) Provide consumers with free notifications for voice, data and messaging usage, and international roaming. Each wireless provider will provide, at no charge: (a) a notification to consumers of currently offered and future domestic wireless plans that include limited data allowances when consumers approach and exceed their allowance for data usage and will incur overage charges; (b) a notification to consumers of currently offered and future domestic voice and messaging plans that include limited voice and messaging allowances when consumers approach and exceed their allowance for those services and will incur overage charges; and (c) a notification to consumers without an international roaming plan/package whose devices have registered abroad and who may incur charges for international usage. Wireless providers will generate the notifications described above to postpaid consumers based on information available at the time the notification is sent. Wireless consumers will not have to affirmatively sign up in order for these notifications to be sent. Wireless providers will clearly and conspicuously disclose tools or services that enable consumers to track, monitor or set limits on voice, messaging and data usage.

(12) Abide by the mobile wireless device unlocking standards established in the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service.

*m.* A certification that the applicant will contribute to the dual party relay service, as provided in Iowa Code section 447C.7(1).

*n.* For applications from carriers seeking designation as an ETC for any part of tribal lands, the applicant shall provide a copy of its application to the affected tribal government and tribal regulatory authority at the time it files the application with the commission.

**39.3(3)** Amendments, assignments and transfers of control. Except as otherwise provided in this subrule, a carrier's ETC designation may be amended or assigned, or control of such designation may be transferred by the transfer of control of the carrier, whether voluntarily or involuntarily, directly or indirectly, only upon application to and prior approval by the commission.

*a. Assignment.* For purposes of this subrule, an assignment of a designation is a transaction in which a commission-issued ETC designation is assigned from one carrier to another carrier. Following an assignment, the designation is held by a carrier other than the carrier to which it was originally granted.

*b. Transfers of control.* For purposes of this subrule, a transfer of control is a transaction in which a commission-issued designation remains held by the same carrier, but there is a change in the individuals or entities that control the carrier. A change from less than 50 percent ownership to 50 percent or more ownership shall always be considered a transfer of control. A change from 50 percent or more ownership to less than 50 percent ownership shall always be considered a transfer of control. In all other situations, whether the interest being transferred is controlling must be determined on a case-by-case basis. The

factors relevant to a determination of control in addition to equity ownership include, but are not limited to, the following:

- (1) Power to constitute or appoint more than 50 percent of the board of directors or partnership management committee;
- (2) Authority to appoint, promote, demote and fire senior executives who control the day-to-day activities of the carrier;
- (3) Ability to play an integral role in major management decisions of the carrier;
- (4) Authority to pay financial obligations, including expenses arising out of operations;
- (5) Ability to receive moneys and profits from the carrier's operations; and
- (6) Unfettered use of all of the carrier's facilities and equipment.

*c. Pro forma assignments and transfers of control.* Assignments or transfers of control that do not result in a change in the actual controlling party are considered nonsubstantial or pro forma. If a transaction is one of the types listed below, the transaction is presumptively pro forma and prior commission approval need not be sought:

- (1) Assignment from an individual or individuals to an entity owned and controlled by such individuals without any substantial change in their relative interests;
- (2) Assignment from an entity to its individual equity holders without effecting any substantial change in the disposition of their interests;
- (3) Assignment or transfer by which certain equity holders retire and the interest transferred is not a controlling one;
- (4) Entity reorganization that involves no substantial change in the beneficial ownership of the carrier (including reincorporation or reorganization in a different jurisdiction or change in form of the business entity);
- (5) Assignment or transfer from a carrier to a wholly owned direct or indirect subsidiary thereof or vice versa, or where there is an assignment from a carrier to an entity owned or controlled by the same equity holders without substantial change in their interests; or
- (6) Assignment of less than a controlling interest in a carrier.

*d. Applications for substantial transactions.* In the case of an assignment or transfer of control of commission-designated ETC that is not pro forma, the parties to such transaction must file a joint application with the commission prior to consummation of the proposed assignment or transfer of control. The application shall include the following information:

- (1) A brief narrative of the means by which the proposed transfer or assignment will take place. This narrative should include a statement concerning how the transaction will be classified for the purposes of any filings required to be made by the parties with the Universal Service Administrative Company.
- (2) Identification of each applicant, including the legal name and state or other governmental authority under the laws of which each entity applicant is incorporated or organized.
- (3) The name, title, mailing address, telephone number and email contact information for each applicant.
- (4) The name, title, mailing address, telephone number and email contact information for an application contact point, such as an executive officer, legal counsel or regulatory consultant, to whom correspondence concerning the application should be addressed.
- (5) A statement identifying the date on which the applicants are asking for the transfer of the ETC designation to be effective. Where the timing of a transaction is dependent on facts objectively ascertainable outside of the filing (i.e., regulatory, lender or other third-party approval), the parties should include a statement concerning the manner in which such facts will operate on the effective date or other terms of the transaction.

(6) A certification as to whether the assignee/transferee is a commission-designated ETC. If the assignee/transferee is not a commission-designated ETC, the assignee/transferee shall separately file with the commission an application for designation as an ETC as provided in subrule 39.3(2). If the assignee/transferee is a commission-designated ETC, the joint application shall include a certification from the assignee/transferee that (a) the assignee/transferee is a commission-designated ETC in good standing and

(b) the assignee/transferee will comply with the state and federal requirements for eligibility as an ETC, including the use of support to provide designated services within the assigned or transferred service area.

(7) Whether as part of the transaction, the assignor/transferee is requesting to relinquish its ETC status in whole or in part. If the assignor/transferee is requesting to relinquish its ETC status, the joint application shall be deemed to be the assignor/transferee's request for relinquishment of ETC designation under 199—39.8(476); provided that such relinquishment shall be conditioned on consummation of the transaction described in the application. If the assignor/transferee is for any reason seeking the unconditional relinquishment of its ETC status, such request should be filed separately under 199—39.8(476).

*e. Commission approval.* Where an assignment or transfer of control involves a transferee/assignee which is already a commission-designated ETC, such application shall be granted by the commission 30 days after the date the complete application seeking approval of the assignment or transfer of control is accepted for filing, unless the commission, for good cause, docket the application for further investigation. Where an assignment or transfer of control involves a transferee/assignee which is not already a commission-designated ETC, such application shall be granted by the commission at the same time as the commission grants the assignee/transferee's application for ETC designation in accordance with the timelines and procedures set forth in subrule 39.3(2).

*f. Notification of pro forma transactions.* In the case of a pro forma assignment or transfer of control, the designated ETC is not required to seek prior commission approval. Instead, a pro forma assignee or a carrier that is subject to a pro forma transfer of control must file a notification with the commission no later than 30 days after the assignment or transfer is completed. The notification must contain the following:

(1) The information requested in subparagraphs 39.3(3) "d"(1) to (4) for the transferee/assignee.

(2) A certification that the transfer of control or assignment was pro forma and that, together with all previous pro forma transactions, the transfer of control or assignment does not result in a change in the actual control of the carrier.

(3) A certification from the assignee/transferee that the assignee/transferee will comply with the state and federal requirements for eligibility as an ETC, including the use of support to provide designated services within the assigned or transferred service area.

*g. Involuntary assignments or transfers of control.* In the case of an involuntary assignment or transfer of control to a bankruptcy trustee appointed under involuntary bankruptcy; to an independent receiver appointed by a court of competent jurisdiction in a foreclosure action; or in the case of death or legal disability, to a person or entity legally qualified to succeed the deceased or disabled person under the laws of the place having jurisdiction over the estate involved, the applicant must make the appropriate filing no later than 30 days after the event causing the involuntary assignment or transfer of control.

*h. Notification of consummation.* An assignee or transferee must notify the commission no later than 30 days after either consummation of the proposed assignment or transfer of control or a decision not to consummate the proposed assignment or transfer of control. The notification shall identify the docket number(s) under which the authorization of the assignment or transfer of control was granted.

*i. Amendments other than transactions.* Where a carrier that has been designated by the commission as an ETC intends to serve as an ETC in a new service area for the purpose of receiving support from the CAF Phase II auction or for other similar purposes, the carrier shall file a request to amend its designation with a notice of expansion at least 30 days in advance of the expansion and shall certify that the carrier intends to amend its designation to serve as an ETC in the expanded service area.

[ARC 1899C, IAB 3/4/15, effective 4/8/15; ARC 4254C, IAB 1/16/19, effective 2/20/19; Editorial change: IAC Supplement 7/24/24]

**199—39.4(476) Lifeline-only applicants.** Where an applicant is seeking designation only for purposes of receiving support from the Lifeline program, the following requirements apply in addition to those specified in 199—39.3(476):

**39.4(1) Approved compliance plan required.** The applicant shall submit a copy of a compliance plan submitted to the Federal Communications Commission and a copy of the Commission's notice of approval.

**39.4(2) Terms and conditions of voice telephony service offered to Lifeline subscribers.** The applicant shall submit information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional

charges, if any, for toll calls, and rates for such plan. To the extent the applicant offers to Lifeline subscribers plans that are generally available to the public, the applicant may provide summary information regarding such plans, such as a link to a public website outlining the terms and conditions of such plans.

**39.4(3)** *Demonstration of financial and technical capability to provide supported services.* The applicant shall demonstrate that it is financially and technically capable of providing the supported Lifeline service in compliance with 47 CFR Subchapter B, Part 54, Subpart E, as required by 47 CFR § 54.201(h). Relevant considerations include, but are not limited to, how long the carrier has been in business, whether the applicant intends to rely exclusively on universal service fund disbursements to operate, whether the applicant receives or will receive revenue from other sources, and whether the applicant has been subject to enforcement action or ETC revocation proceedings in any state.

[ARC 1899C, IAB 3/4/15, effective 4/8/15]

#### **199—39.5(476) Service area.**

**39.5(1)** Unless otherwise ordered by the commission, 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 commission. Those carriers not currently approved to provide local service are required to provide documentation showing their service area.

**39.5(2)** 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 FCC and the states, after taking into account recommendations of a federal-state joint commission instituted under Section 410(c) of the Telecommunications Act of 1996, establish a different definition of service area for such company.

**39.5(3)** 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.

[ARC 1899C, IAB 3/4/15, effective 4/8/15; Editorial change: IAC Supplement 7/24/24]

#### **199—39.6(476) Universal service support for low-income consumers (Lifeline program and Tribal Link Up program).**

**39.6(1)** *Carrier obligation to offer Lifeline.* Pursuant to 47 CFR § 54.405, which specifies the Lifeline obligations of eligible telecommunications carriers, all eligible telecommunications carriers must make available Lifeline service, as defined in 47 CFR § 54.401, to qualifying low-income consumers, defined as consumers who meet the qualifications for Lifeline as specified in 47 CFR § 54.409. Eligible telecommunications carriers must comply with the minimum service standards specified in 47 CFR § 54.408.

**39.6(2)** *Customer notification.* Eligible telecommunications carriers shall include a description of their Lifeline offerings or discounts in their residential service agreements. Eligible telecommunications carriers shall provide the commission with information about their residential service agreements upon request. Eligible telecommunications carriers shall publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for service as required by 47 CFR § 54.405(b).

**39.6(3)** *Consumer qualification for Lifeline.* To qualify for Lifeline, a consumer must meet the qualifications for Lifeline as specified in 47 CFR § 54.409. A consumer may only receive one Lifeline service per household.

**39.6(4)** *Determination of subscriber eligibility.* Until the national Lifeline eligibility verifier becomes responsible for the initial determination of Iowa consumers’ eligibility for Lifeline assistance, Iowa eligible telecommunications carriers are responsible for establishing consumer eligibility for Lifeline assistance. Iowa eligible telecommunications carriers shall ensure that their Lifeline subscribers are eligible to receive Lifeline services in accordance with 47 CFR § 54.410. Eligible telecommunications carriers shall:

- a. Implement policies and procedures for ensuring that their Lifeline subscribers are eligible to receive Lifeline services;
- b. Confirm a subscriber’s income-based or program-based eligibility according to 47 CFR § 54.410(b) or (c);
- c. Provide prospective subscribers Lifeline certification forms that comply with 47 CFR § 54.410(d); and
- d. Recertify all subscribers’ Lifeline eligibility in accordance with 47 CFR § 54.410(f) and (g).

**39.6(5) Annual certifications by eligible telecommunications carriers.** Eligible telecommunications carriers shall make and submit to the Universal Service Administrative Company (USAC) annual certifications relating to the Lifeline program as required by 47 CFR § 54.416. Eligible telecommunications carriers shall file their annual Lifeline certifications with the commission as provided in 39.7(1) “a” and, if applicable, with the relevant tribal governments.

**39.6(6) Tribal Link Up.** A telecommunications carrier receiving high-cost support on tribal lands that is offering the Tribal Link Up assistance program, as defined in 199—39.2(476), to eligible residents of tribal lands, as defined in 47 CFR § 54.400(e), must provide (1) a 100 percent reduction of the customary connection charge for commencing service at a subscriber’s residence, and (2) a deferred schedule of interest-free payments for the connection charge, pursuant to 47 CFR § 54.413. Prior to enrolling an eligible resident of tribal lands in the Tribal Link Up program, an ETC must obtain from the resident a certification form that complies with 47 CFR § 54.410.

**39.6(7) Audits.** Eligible telecommunications carriers shall file with the commission finalized reports of audits involving the audited ETC’s operations in Iowa conducted pursuant to 47 CFR § 54.420 requiring low-income program audits. The audit reports will not be considered or deemed confidential. The audit reports shall be filed with the commission within 30 days of issuance of the final audit report.

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**199—39.7(476) Schedule of filings.** The filing requirements specified below apply only to filings that are not available to the commission through the Universal Service Administrative Company’s online filing portal or other means authorized by the FCC.

**39.7(1) Annual Lifeline compliance certifications.**

*a. FCC Form 555.* On or before January 31 of each year, or other date established by the Federal Communications Commission, each carrier designated by the commission as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e) shall file with the commission the carrier’s certification of compliance with federal Lifeline rules filed with the Federal Communications Commission and the Universal Service Administrative Company pursuant to 47 CFR § 54.416 using FCC Form 555.

*b. Filing instructions.* FCC Form 555 shall be filed using the commission’s electronic filing system in accordance with 199—Chapter 14, unless the commission directs otherwise by order issued in advance of the filing deadline. The filing shall be titled “Annual Lifeline Eligible Telecommunications Carrier Certification,” with a reference to the year for which the certification is filed. The document title for the FCC form shall be “FCC Form 555 Filing.” The annual Lifeline compliance certifications are not subject to protection from public disclosure.

**39.7(2) Annual eligible recovery certifications.** On or before the date on which carriers file their access tariffs with the FCC, each price cap and rate-of-return carrier designated by the commission as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e) shall file with the commission certifications of eligible recovery amounts as follows, as required by 47 CFR § 54.304(c) and (d).

*a. Price cap carriers.* Each price cap carrier designated by the commission as an ETC shall file with the commission the carrier’s certification to the FCC and USAC regarding the connect America fund intercarrier compensation support amount the carrier is eligible to recover pursuant to 47 CFR § 51.915 and the certification that the carrier is not seeking duplicative recovery in Iowa for any eligible recovery subject to the federal recovery mechanisms.

*b. Rate-of-return carriers.* Each rate-of-return carrier designated by the commission as an ETC shall file with the commission the carrier’s certification to the FCC and USAC regarding the connect America fund intercarrier compensation support amount the carrier is eligible to recover pursuant to 47 CFR § 51.917 and the certification that the carrier is not seeking duplicative recovery in Iowa for any eligible recovery subject to the federal recovery mechanisms.

*c. Filing instructions.* The annual eligible recovery certifications shall be filed using the commission’s electronic filing system in accordance with 199—Chapter 14, unless the commission directs otherwise by order issued in advance of the filing deadline. The filing shall be titled “Connect America Fund – Intercarrier Compensation Recovery and Certification,” with a reference to the year for which the certification is filed. The document title for the FCC form shall be “Annual Reporting Requirements for Section 54.304.”

*d. Confidential information.*

(1) Requests to withhold from public inspection revenue recovery amounts and loop or line count data will be deemed granted as provided in 199—paragraph 1.9(5)“c.”

(2) If a carrier considers other information filed on or with the annual Section 54.304 report to be confidential, the carrier shall file both a public version and a confidential version of the material pursuant to 199—14.12(17A,476), and a separate request for confidential treatment pursuant to 199—subrule 1.9(22) and Iowa Code section 22.7. Where a request for confidential treatment of information filed on or with the Section 54.304 report is based on a protective order issued by the FCC, the carrier’s request for confidential treatment shall include a reference to the relevant protective order.

**39.7(3) Annual reporting requirements.**

*a. FCC Form 481.* On or before July 1 of each year, or other date established by the Federal Communications Commission, each carrier designated by the commission as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e) for purposes of receiving Lifeline support only shall file with the commission the carrier’s annual report filed with the FCC pursuant to 47 CFR § 54.422(a) using FCC Form 481 or such other form designated by the FCC as the form for the annual report for ETCs.

*b. FCC Form 690.* On or before July 1 of each year, or other date established by the Federal Communications Commission, each carrier designated by the commission as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e) and that receives mobility fund support shall file with the commission the carrier’s annual report filed with the FCC pursuant to 47 CFR § 54.1009.

*c. Annual certifications from carriers seeking to continue to receive high-cost support.* Any carrier seeking to continue to receive federal high-cost universal service support shall file with the commission no later than July 1 of each year an affidavit titled “Certification of [Company Name].” The company name shall be the name used on the carrier’s initial application for ETC designation and its current name, if its name has changed.

(1) Contents of affidavit. The affidavit shall include the study area code (SAC) number associated with the company. The affidavit shall be sworn and notarized and shall be executed by an authorized corporate officer. The affidavit shall certify that the carrier has used all federal high-cost support provided in the preceding calendar year and will use all federal high-cost support provided to the carrier in the coming calendar year received pursuant to 47 CFR Subchapter B, Part 54, Subparts D, K, L, and M, as defined in 47 CFR § 54.5, only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The affidavit shall also certify to the following: as an eligible telecommunications carrier, the carrier agrees to provide timely responses to commission requests for information related to the status of local markets for supported services, including local markets for supported voice and broadband services.

(2) Certifications subject to complaint or investigation. Any certification filed by a carrier shall be subject to complaint or investigation by the commission.

(3) State certification of eligibility. An ETC’s certification shall be the basis of the commission’s certification to the FCC and USAC pursuant to 47 CFR § 54.314 that the ETC has used and will use the support for the purposes intended.

*d. Filing instructions for annual report filings.* FCC Form 481 if Form 481 is required to be filed with the commission, the affidavit certifying compliance, and FCC Form 690 shall be filed using the commission’s electronic filing system in accordance with 199—Chapter 14, unless the commission directs otherwise by order issued in advance of the filing deadline. The filing shall be titled “Annual Eligible Telecommunications Carrier Reporting Requirements,” with a reference to the year for which the report is filed. The document title for the FCC form shall be “FCC Form 481 Filing” or “FCC Form 690 Filing,” as appropriate. The document title for the affidavit certifying compliance shall be “Carrier Certification.”

*e. Confidential information.*

(1) Requests to withhold from public inspection financial reports and loop or line count data included in the rate floor data reports included in the annual report filings will be deemed granted as provided in 199—paragraph 1.9(5)“c.”

(2) If a carrier considers other information filed on or with FCC Form 481 to be confidential, the carrier shall file both a public version and a confidential version of the material pursuant to 199—14.12(17A,476), and a separate request for confidential treatment pursuant to 199—1.9(22) and Iowa Code section 22.7. Where a request for confidential treatment of information filed on or with FCC Form 481 is based on a protective order issued by the FCC, the carrier’s request for confidential treatment shall include a reference to the relevant protective order.

**39.7(4) Rate floor data and rate floor data updates.**

*a.* On or before July 1 of each year, or other date established by the FCC, each carrier designated by the commission as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e) that is subject to the FCC’s mandatory rate floor data reporting requirements in 47 CFR § 54.313(h)(1) shall file with the commission the annual rate floor data filed with the FCC. Carriers that are required to file or that elect to file rate floor data updates with the FCC on January 2 of each year pursuant to 47 CFR § 54.313(h)(2) shall also file the updates with the commission.

*b.* Filing instructions for rate floor data and rate floor data updates. The rate floor data and rate floor data updates shall be filed using the commission’s electronic filing system in accordance with 199—Chapter 14, unless the commission directs otherwise by order issued in advance of the filing deadline. The filing shall be titled “FCC Section 54.313(h)(1) Rate Floor Data” or “FCC Section 54.313(h)(2) Rate Floor Data Update,” with a reference to the year for which the update is filed. The document title for the report shall be “Rate Floor Data” or “Rate Floor Data Update,” as appropriate.

*c.* Confidential information.

(1) Requests to withhold from public inspection loop or line count data submitted as part of a rate floor data update will be deemed granted as provided in 199—paragraph 1.9(5)“c.”

(2) If a carrier considers other information filed on or with a rate floor data update to be confidential, the carrier shall file both a public version and a confidential version of the material pursuant to 199—14.12(17A,476), and a separate request for confidential treatment pursuant to 199—subrule 1.9(22) and Iowa Code section 22.7. Where a request for confidential treatment of information filed on or with a rate floor data update is based on a protective order issued by the FCC, the carrier’s request for confidential treatment shall include a reference to the relevant protective order.

[ARC 1899C, IAB 3/4/15, effective 4/8/15; ARC 4254C, IAB 1/16/19, effective 2/20/19; Editorial change: IAC Supplement 7/24/24]

**199—39.8(476) Relinquishment of ETC designation.**

**39.8(1)** The commission may permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give 30 days’ advance notice to the commission of such relinquishment. A carrier that is granted ETC status in connection with a connect America fund Phase II auction or other similar conditional support mechanism but that ultimately does not receive the support shall, within 30 days after the Federal Communications Commission issues a public notice regarding the award of support, file a notice of relinquishment of the carrier’s designation for any service areas where the carrier is not awarded funds and does not plan to offer service.

**39.8(2)** Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the commission shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The commission shall establish a time, not to exceed one year after the commission approves such relinquishment under this rule, within which such purchase or construction shall be completed.

[ARC 1899C, IAB 3/4/15, effective 4/8/15; ARC 4254C, IAB 1/16/19, effective 2/20/19; Editorial change: IAC Supplement 7/24/24]

These rules are intended to implement Iowa Code sections 17A.4, 476.2, 476.15, and 476.102 and 47 U.S.C. Section 214(e).

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