

199—22.4(476) Intrastate access charge application, tariff procedures, and rates.**22.4(1) Application of intrastate access charges.**

a. Intrastate access charges shall apply to all intrastate access services rendered to interexchange carriers. Intrastate access charges shall not apply to extended area service (EAS) traffic. In the case of resale of services of interexchange carriers, access charges shall apply as follows:

(1) The interexchange carrier shall be billed as if no resale were involved.

(2) The resale telecommunications service provider shall be billed only for access services not already billed to the underlying interexchange carrier.

(3) Specific billing treatment and administration shall be provided pursuant to tariff.

b. Except as provided in subparagraph 22.4(1)“b”(3), no person shall make any communication of the type and nature transmitted by telecommunications service providers, between exchanges located within Iowa, over any system or facilities, which are or can be connected by any means to the intrastate telecommunications network, and uses local exchange carrier facilities, unless the person shall pay to the local exchange carrier or telecommunications service providers that provide service to the exchange where the communication is originated and the exchange where it is terminated, in lieu of the carrier common line charge, a charge in the amount of \$25 per month per circuit that is capable of interconnection. However, if the person provides actual access minutes to the local exchange carrier, the charge shall be the charge per access minute or fraction thereof, not to exceed \$25 per line per month. The charge shall apply in all exchanges. However, if the person attests in writing that the person’s facility cannot interconnect and is not interconnected with the exchange in question, the person will not be subject to the charge in that exchange.

(1) In the event that a communication is made without compliance with this rule, the telecommunications service provider or telecommunications service providers serving the person shall terminate telecommunications service after notice to the person. The telecommunications service provider shall not reinstate service until the commission orders the telecommunications service provider to restore service. The commission shall order service to be restored when the commission has reasonable assurance that the person will comply with this rule.

(2) In any action concerning this rule, the burden of proof shall be upon the person making intrastate communications.

(3) This rule shall be inapplicable to administrative communications made by or to a telecommunications service provider.

22.4(2) Filing of intrastate access service tariffs.

a. Tariffs providing for intrastate switched access services shall be filed with the commission by a local exchange carrier that provides such services. Except in situations involving HVAS, a local exchange carrier may concur in the intrastate access tariff filed by another local exchange carrier serving the same exchange area. However, a competitive local exchange carrier may not concur in the intrastate access tariff of an incumbent local exchange carrier that qualifies as a rural telephone company pursuant to 47 U.S.C. §153(44) as amended through January 5, 2023, unless the competitive local exchange carrier is also a rural CLEC pursuant to 47 CFR 61.26(a)(6).

(1) Alternatively, a local exchange carrier may voluntarily elect to join another local exchange carrier or telecommunications service provider in forming an association of local exchange carriers. The association may file intrastate access service tariffs.

(2) All elements of the filings under this rule, including access service rate elements, shall be subject to review and approval by the commission.

b. All intrastate access service tariffs shall incorporate the following:

(1) Carrier common line charge. The rate for the intrastate carrier common line charge shall be three cents per access minute or fraction thereof for the originating segments of the communication unless numbered paragraphs 22.4(2)“b”(1)“1,” “2,” and “3” are applicable. The carrier common line charge shall be assessed to exchange access made by an interexchange carrier, including resale telecommunications service providers. In lieu of this charge, interconnected private systems shall pay for access as provided in paragraph 22.4(1)“b.”

1. Incumbent local exchange carrier intrastate access service tariffs shall include the carrier common line charges approved by the commission.

2. A competitive local exchange carrier that concurs in or mirrors the rates in the access services tariff of the Iowa Communications Alliance, or its successor, shall deduct the originating and terminating carrier common line charges from its intrastate access service tariff.

3. Carrier common line charge for originating segments of the communication may be stepped down in compliance with requirements established by the Federal Communications Commission for originating access.

(2) End-user charge. No intrastate end-user charge shall be assessed.

(3) Universal service fund. No universal service fund shall be established.

(4) Transitional and premium rates. There shall be no discounted transitional rate elements applied in Iowa except as otherwise specifically set forth in these rules.

(5) A telecommunications service provider may, pursuant to tariff, bill for access on the basis of assumed minutes of use where measurement is not practical. However, if the interexchange carrier provides actual minutes of use to the billing telecommunications service provider, the actual minutes shall be used.

(6) In the absence of a waiver granted by the commission, a local exchange carrier shall allow any interexchange carrier the option to use its own facilities that were in service on March 19, 1992, to provide local access transport service to terminate its own traffic to the local exchange carrier. The interexchange carrier may use its facilities in the manner and to a meet point agreed upon by the local exchange carrier and the interexchange carrier as of March 19, 1992. Changes mutually agreeable to the local exchange carrier and the interexchange carrier after that date also shall be recognized in allowing the interexchange carrier to use its own local access transport facilities to terminate its own traffic. Recognition under this rule will also be extended to improvements by an interexchange carrier that provided all the transport facilities to an exchange on March 19, 1992, whether the improvements were mutually agreeable or not, unless the improvements are inconsistent with an agreement between the interexchange carrier and the local exchange carrier.

(7) A provision prohibiting the application of association access service rates to HVAS traffic.

c. A local exchange carrier that is adding a new HVAS customer or otherwise reasonably anticipates an HVAS situation shall provide notice of the situation, the telephone numbers that will be assigned to the HVAS customer (if applicable), and the expected date service to the HVAS customer will be initiated, if applicable. Notice may be sent to each interexchange carrier that paid for intrastate access services from the local exchange carrier in the preceding 12 months; to any telecommunications service provider with whom the local exchange carrier exchanged traffic in the preceding 12 months; and to all other local exchange carriers authorized to provide service in the subject exchange, by a method calculated to provide adequate notice. Any interexchange carrier may request negotiations concerning the access rates applicable to calls to or from the HVAS customer.

(1) Any interexchange carrier that believes a situation has occurred or is occurring that does not specifically meet the HVAS threshold requirements defined in subrule 22.1(2), but which raises the same general concerns and issues as an HVAS situation, may file a complaint with the commission.

(2) A local exchange carrier that experiences an increase in intrastate access billings that qualifies as an HVAS situation, but did not add a new HVAS customer or otherwise anticipate the situation, shall notify interexchange carriers of the HVAS situation at the earliest reasonable opportunity as described in the preceding paragraph. Any interexchange carriers may request negotiations concerning whether the local exchange carrier's access rates, as a whole or for HVAS only, should be changed to reflect the increased access traffic. When a telecommunications service provider requests negotiation concerning intrastate access services, the companies shall negotiate in good faith to achieve reasonable terms and procedures for the exchange of traffic. No access charges shall apply to the HVAS traffic until an access tariff for HVAS has been approved by the commission. At any time that any telecommunications service provider believes negotiations will not be successful, the telecommunications service provider may file a written complaint with the commission. In any such proceeding, the commission will consider setting the rate for access services for HVAS traffic based upon the incremental cost of providing HVAS, although any other relevant evidence may also be considered. The incremental cost will not include marketing or other payments made to HVAS customers. The resulting rates for access services may include a range of rates based upon the volume of access traffic or other relevant factors. Any negotiations pursuant to this subparagraph shall

conclude within 60 days. After 60 days, a telecommunications service provider may petition the commission to extend the period of negotiations or may petition the commission to establish a procedural schedule and hearing date.

22.4(3) *Notice of intrastate access service tariffs.*

a. Each telecommunications service provider that files new or changed tariffs relating to access charges or access service shall give written notice of the new or changed tariffs to the telecommunications service provider's interexchange carrier access customers, the commission, and the consumer advocate. Notice shall be given on or before the date of the filing of the tariff. The notice shall consist of the file date and proposed effective date of the tariff, a description of the proposed changes, and the tariff section number where the service description is located. If two or more local exchange carriers concur in a single tariff filing, the local exchange carriers may send a joint written notice to the commission, the consumer advocate, and the interexchange carriers.

b. The commission shall not approve any new or changed tariff described in paragraph 22.4(3) "a" until after the period for resistance.

22.4(4) *Resistance to intrastate access service tariffs.*

a. If an interexchange carrier affected by an access service filing or the consumer advocate desires to file a resistance to a proposed new or changed access service tariff, it shall file its resistance within 14 days after the filing of the proposed tariff. The interexchange carrier shall send a copy of the resistance to all telecommunications service providers filing or concurring in the proposed tariff.

b. After receipt of a timely resistance, the commission may:

(1) Deny the resistance if it does not on its face present a material issue of adjudicative fact or the commission determines the resistance to be frivolous or otherwise without merit and approve the tariff; or

(2) Either suspend the tariff or approve the tariff to become effective subject to refund; and initiate informal complaint proceedings; or

(3) Either suspend the tariff or approve the tariff to become effective subject to refund; and initiate contested case proceedings; or

(4) Reject the tariff, stating the grounds for rejection.

c. The interexchange carrier or the consumer advocate shall have the burden to support its resistance.

d. If contested case proceedings are initiated upon resistance filed by an interexchange carrier, the interexchange carrier may be required to pay the expenses reasonably attributable to the proceedings. The commission will assess the costs of the proceeding on a case-by-case basis.

22.4(5) *Access charge rules to prevail.* The provisions of this rule shall be determinative of the procedures relating to intrastate access service tariffs and shall prevail over all inconsistent rules.

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