

**199—38.3(476) Unbundled facilities, services, features, functions, and capabilities.****38.3(1) *Tariff filings.***

*a. Filing schedule.* Each incumbent local exchange carrier shall file tariffs implementing unbundling for the facilities enumerated in paragraph 38.3(1)“*b.*” The obligation to file a tariff does not apply to a rural telephone company until the conditions specified in 47 U.S.C. Section 251(f)(1), effective April 9, 2025, have been met.

*b. List of unbundled essential facilities.* Each incumbent local exchange carrier’s tariff filing shall, at a minimum, unbundle the following essential facilities, services, features, functions, and capabilities: loops, ports, signaling links, signal transfer points, facilities to interconnect unbundled links at the central office, interoffice transmission facilities, listings in the directory assistance database, inbound operator services including busy-line verification and call interrupt, interconnection to the 911 system, and interconnection to the tandem switch for routing to other carriers.

**38.3(2) *Requests for unbundled facilities.*** Except as allowed in subrule 38.3(3), requests to unbundle facilities, services, features, functions, and capabilities shall be processed as follows:

*a.* A competitive local exchange carrier may make a bona fide request of an incumbent local exchange carrier to make additional unbundled essential facilities available. After receiving a request for additional unbundled essential facilities, the incumbent local exchange carrier shall respond within 30 days of the request either by agreeing to the request or by denying the request. If the incumbent local exchange carrier agrees to fulfill the request, the carrier shall file a tariff unbundling the essential facility within 60 days of the initial request.

*b.* If the incumbent local exchange carrier denies the request, a competitive local exchange carrier may petition the commission to classify the requested facility as essential, as defined by Iowa Code section 476.100(2), and to require the incumbent local exchange carrier to make the requested facility available on an unbundled basis by filing a tariff. In such a petition, the competitive local exchange carrier shall provide information to the commission showing how the requested facility meets the definition of essential facility found in Iowa Code section 476.100(2). The petitioning party under this subrule may state a preference for proceeding by rulemaking or contested case, but the commission will select the process to be used.

**38.3(3) *Alternative procedures.*** As an alternative to the procedures in subrule 38.3(2), a competitive local exchange carrier may elect the negotiation, mediation, and arbitration procedures available under 47 U.S.C. Section 252, effective April 9, 2025, by notifying the incumbent local exchange carrier and the commission in writing at the time additional unbundled facilities are requested.

**38.3(4) *Reclassifying essential facilities.*** An incumbent local exchange carrier may, at any time, petition the commission with a request to reclassify a facility classified as essential. With its petition, the incumbent local exchange carrier shall provide information to the commission showing why the facility no longer meets the definition of essential found in Iowa Code section 476.100(2). The commission will determine the procedure to be used in reviewing the petition.

**38.3(5) *Interconnection to essential facilities.*** The terms and conditions under which competitive local exchange carriers shall be able to interconnect with an incumbent local exchange carrier’s unbundled facilities shall be technically and economically equivalent to those under which the incumbent local exchange carrier provides those facilities to itself or its affiliates. If it believes such terms and conditions are not technically or economically feasible, the incumbent local exchange carrier may petition the commission for a waiver of this provision.

[ARC 8998C, IAB 3/5/25, effective 4/9/25]