

199—5.6(476) Decision.

5.6(1) *Criteria for effective competition.* In determining whether a service or facility is subject to effective competition, the board will consider whether a comparable service or facility is available from a supplier other than the telephone utility and whether market forces are sufficient to ensure just and reasonable rates without regulation. In addition, the board may consider the following criteria:

- a.* The ability or inability of a single provider to determine or control prices;
- b.* The ease with which other providers may enter the market;
- c.* The likelihood that other providers will enter the market;
- d.* The substitutability of one service or facility for another; and
- e.* Other relevant considerations.

5.6(2) *Criteria to retain service regulation.* In determining whether a service or facility is an essential communications service or facility and the public interest warrants retention of service regulation under Iowa Code subsection 476.1D(5) or 476.1D(7), the board may consider all or part of the following criteria:

- a.* Relative universality of customer use of the service or facility;
- b.* Degree to which the service or facility is necessary to access the telecommunications network;
- c.* Extent to which the public, subsets of the public, or individuals rely on the service or facility;
- d.* Potential for harm and its relative impact in the event of inadequate service quality;
- e.* Any economic incentives which might discourage reasonable service quality;
- f.* Existence of subcategories within a category of generally competitive services or facilities where the competition is ineffective to ensure reasonable service quality for the subcategory; and
- g.* Other relevant considerations.

5.6(3) *Findings.* After the completion of formal proceedings, the board may issue findings.