

**751—9.1(8D) Request for waiver.** A certified user is entitled to file a request for a waiver pursuant to Iowa Code section 8D.9(2). For the purposes of this chapter, “certified user” means an area education agency, community college, regents institution, or private college that has certified with the commission that it is or will be a part of the network.

**9.1(1) Conditions.**

*a.* One of the following conditions shall be satisfied in the request:

(1) The costs to the certified user for services provided by the network are not competitive with the same services available from another provider.

(2) The certified user is under contract with another provider for such services, provided the contract was entered into prior to April 1, 1994. The certified user shall use the network for video, data, and voice requirements that are not provided pursuant to such contract.

*b.* A certified user shall have the burden of proof regarding the question of whether the services provided by the network are not competitive with the same services available from another provider.

**9.1(2) Waiver submission.** A request for waiver must be received at the ICN main office location as listed in 751—subrule 1.6(1) not less than 15 days prior to the next regularly scheduled commission meeting. A request for waiver renewal must be submitted not less than 15 days prior to the next scheduled commission meeting preceding the expiration of the current waiver. A listing of certified users not meeting this submission requirement shall be included in the commission’s annual report related to the network.