

FCC FACT SHEET*

Iowa Network Access Division Tariff F.C.C. No. 1

Order – WC Docket No. 18-60, Transmittal Nos. 36, 38, 44

Background: Iowa Network Access Division d/b/a Aureon Network Services (Aureon) is a centralized equal access (CEA) provider. Aureon aggregates traffic traveling between rural incumbent local exchange carriers (LECs) in Iowa and other networks, and provides long distance equal access, enabling end users to use 1+ dialing to reach their long distance provider of choice. Aureon charges for interstate CEA service using a single tariffed rate called the “switched transport rate,” which is not distance-sensitive, and which recovers the costs of both transport and tandem switching.

In 2017, the Commission found that Aureon’s switched transport rate violated the Commission’s rules. Aureon then submitted a revised tariff, effective March 1, 2018, which the Commission found unlawful. The Commission found that the proposed rate was higher than the rate the competing incumbent LEC charged for the same service and directed Aureon to refile its interstate switched transport rate and to include cost support for its new rate. Aureon responded by submitting another revised tariff. The Wireline Competition Bureau (Bureau) suspended that tariff filing and opened an investigation into the lawfulness of the newly revised rate. The Commission concluded that the revised rate was not cost-supported, as required by Commission rules, and again ordered Aureon to revise its switched transport rate.

On September 30, 2019, Aureon submitted tariff Transmittal No. 44, with accompanying cost support, proposing a revised switched transport rate. That switched transport rate became effective—and deemed lawful—on October 15, 2019. Aureon’s tariffed rates from March 1, 2018, through October 14, 2019 were unlawful based on the Commission’s prior orders, however. As a result, Aureon is liable to its customers for refunds for overpayments those customers made during the period the unlawful rates were in effect. Aureon has not taken steps to refund its overcharged customers and has not submitted a refund plan detailing how it would do so.

What the Order Would Do:

- Direct Aureon to submit cost and demand data for calendar years 2018 and 2019 that would enable the Bureau to calculate the refunds Aureon owes its customers.
- Reaffirm the Commission’s delegation of authority to the Bureau to take all steps necessary to conduct and conclude tariff investigation proceedings.

* This document is being released as part of a “permit-but-disclose” proceeding. Any presentations or views on the subject expressed to the Commission or its staff, including by email, must be filed in WC Docket No. 18-60, which may be accessed via the Electronic Comment Filing System (<https://www.fcc.gov/ecfs>). Before filing, participants should familiarize themselves with the Commission’s ex parte rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission’s meeting. See 47 CFR § 1.1200 *et seq.*

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Iowa Network Access Division)	WC Docket No. 18-60
Tariff F.C.C. No. 1)	Transmittal No. 36
)	Transmittal No. 38
)	Transmittal No. 44

ORDER*

Adopted: []

Released: []

By the Commission:

I. INTRODUCTION

1. In this Order, we direct Iowa Network Access Division d/b/a Aureon Network Services (Aureon) to submit cost and demand data needed to formulate a plan to refund to Aureon’s customers certain unlawful tariffed interstate access service charges. Specifically, we direct Aureon to provide certain data for the calendar years 2018 and 2019 so that the Wireline Competition Bureau (Bureau) can determine both the appropriate refund rate for customers that paid unlawful charges to Aureon from March 1, 2018 through October 14, 2019, and the amount due to each customer. We require this information under the authority granted in 47 U.S.C. § 204(a)(1),¹ and in accordance with Commission rules and orders.²

II. BACKGROUND

2. Aureon, a division of Iowa Network Services, Inc. (INS), is a centralized equal access (CEA) provider that was created to aggregate traffic traveling between rural incumbent local exchange carriers (LECs) in Iowa and other networks, and to implement long distance equal access obligations,

* This document has been circulated for tentative consideration by the Commission at its February 18, 2022 open meeting. The issues referenced in this document and the Commission’s ultimate resolution of those issues remain under consideration and subject to change. This document does not constitute any official action by the Commission. However, the Chairwoman has determined that, in the interest of promoting the public’s ability to understand the nature and scope of issues under consideration, the public interest would be served by making this document publicly available. The FCC’s *ex parte* rules apply and presentations are subject to “permit-but-disclose” *ex parte* rules. See, e.g., 47 C.F.R. §§ 1.1206, 1.1200(a). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission’s meeting. See 47 CFR §§ 1.1200(a), 1.1203.

¹ 47 U.S.C. § 204(a)(1). See also *id.* at §§ 154(i), 218, 403.

² See *Iowa Network Access Division Tariff F.C.C. No. 1*, WC Docket No. 18-60, Transmittal No. 36, Order, 33 FCC Rcd 2089 (WCB/PPD 2018) (*Aureon First Tariff Suspension Order*); *Iowa Network Access Division Tariff F.C.C. No. 1*, WC Docket No. 18-60, Transmittal No. 36, Memorandum Opinion and Order, 33 FCC Rcd 7517 (2018) (*Aureon First Tariff Investigation Order*); *Iowa Network Access Division Tariff F.C.C. No. 1*, WC Docket No. 18-60, Transmittal No. 38, Order, 33 FCC Rcd 8547 (WCB/PPD 2018) (*Aureon Second Tariff Suspension Order*); *Iowa Network Access Division Tariff F.C.C. No. 1*, WC Docket No. 18-60, Transmittal No. 38, Memorandum Opinion and Order, 34 FCC Rcd 1510 (2019) (*Aureon Second Tariff Investigation Order*).

permitting end users to use 1+ dialing to reach the long-distance provider of their choice.³ Aureon delivers traffic to its subtending LECs through several points of interconnection (POIs) across Iowa.⁴ The Aureon “Access Division” is the regulated entity that provides CEA service by leasing facilities from a separate, unregulated “Network Division” of INS.⁵ Many of the facilities leased by Aureon are also used by the Network Division, either directly or indirectly, to provide unregulated services.

3. Since its inception, Aureon has been regulated as a dominant carrier subject to the cost-based tariff filing requirements of section 61.38 of the Commission’s rules.⁶ Aureon is also a competitive LEC.⁷ As a result, Aureon cannot tariff a rate for its services that is higher than the rate the competing incumbent LEC charges for the same access services.⁸

4. On November 8, 2017, the Commission adopted the *Aureon Liability Order*, partially granting a complaint filed by AT&T Corp. alleging that Aureon violated the Commission’s rate cap and rate parity rules by raising its interstate switched transport rate,⁹ contained in Tariff F.C.C. No. 1, to \$0.00896 per minute of use (MOU), and by not lowering its intrastate rates as required by those rules.¹⁰ The Commission, among other things, directed Aureon to file interstate tariff revisions consistent with the *Aureon Liability Order* and to include all necessary cost studies and support as required by section 61.38 of the Commission’s rules.¹¹

³ *Application of Iowa Network Access Division*, Memorandum Opinion, Order and Certificate, 3 FCC Rcd 1468 (CCB 1988) (*Aureon Section 214 Order*).

⁴ See Direct Case of Iowa Network Access Division d/b/a Aureon Network Services, WC Docket No. 18-60, Transmittal No. 36 at 27, 29 (filed May 3, 2018).

⁵ See *Aureon Second Tariff Investigation Order*, 34 FCC Rcd at 1510-11, para. 2.

⁶ 47 CFR § 61.38; see, e.g., *Aureon Section 214 Order*, 3 FCC Rcd at 1469, para. 10; *AT&T Corp. v. Iowa Network Services, Inc. d/b/a Aureon Network Services*, Proceeding No. 17-56, Bureau ID No. EB-17-MD-001, Memorandum Opinion and Order, 32 FCC Rcd 9677, 9692, para. 30 (2017) (*Aureon Liability Order*); Order on Reconsideration, 33 FCC Rcd 7964 (2018); Second Order on Reconsideration, 33 FCC Rcd 11855 (2018) (*Second Order on Reconsideration*), *aff’d in part and rev’d in part*; *AT&T Corp. v. FCC*, 970 F.3d 344 (D.C. Cir. 2020) (*AT&T Corp. v. FCC*). Under section 61.38, any tariff changes must include, among other things, the basis for the ratemaking employed and economic information to support the change, including specific cost information and cost projections. 47 CFR § 61.38(b).

⁷ *Aureon Liability Order*, 32 FCC Rcd at 9689, para. 25 (citing 47 CFR §§ 51.901-919); *AT&T Corp. v. FCC*, 970 F.3d at 349.

⁸ See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17937, para. 807 (2011) (*USF/ICC Transformation Order*), *aff’d*, FCC 11-161, 753 F.3d 1015 (10th Cir. 2014). This obligation, adopted in its initial form in 2001, provides that a competitive LEC may not tariff interstate access charges above those of the competing incumbent LEC for similar services. See *Access Charge Reform; Reform of Access Charges Imposed by Competitive Local Exchange Carriers*, CC Docket No. 96-262, Seventh Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 9923 (2001); 47 CFR 51.911; *AT&T Corp. v. FCC*, 970 F.3d at 349.

⁹ Aureon charges for interstate CEA service using a single tariffed rate called the “switched transport rate,” which is non-distance sensitive and recovers the costs of both transport and tandem switching. See *Aureon Liability Order*, 32 FCC Rcd at 9681-82, para. 11. In its consideration of the *Aureon Liability Order*, the D.C. Circuit set aside the Commission’s determination that Aureon violated the rate cap for interstate access charges, but deferred to the Commission’s resolution of the tariff-related issues resulting from the complaint proceeding. *AT&T Corp. v. FCC*, 970 F.3d at 350-51.

¹⁰ *Aureon Liability Order*, 32 FCC Rcd at 9689, para. 24.

¹¹ *Id.* at 9695, para. 35; 47 CFR § 61.38.

5. In response to the Commission's direction in the *Aureon Liability Order*, on February 22, 2018, Aureon filed Transmittal No. 36, containing revisions to its interstate access Tariff F.C.C. No. 1.¹² In its tariff revisions, Aureon reduced its interstate switched transport rate to \$0.00576 per MOU effective March 1, 2018.¹³ The Bureau suspended the revised rate, imposed an accounting order, and opened an investigation into the lawfulness of Aureon's revised interstate switched transport rate that became effective on March 1, 2018.¹⁴ The Bureau's suspension order initiated a proceeding to investigate the rate filed in Transmittal No. 36 and had no bearing on Aureon's previously filed rates.¹⁵ While the Commission investigated the rate that became effective on March 1, 2018, Aureon's customers continued to pay Aureon the disputed rate included in Transmittal No. 36.

6. On July 31, 2018, the Commission issued a Memorandum Opinion and Order detailing the findings of the investigation into the tariff revision submitted in Transmittal No. 36.¹⁶ The Commission found that the proposed rate of \$0.00576 per MOU was lower than the applicable rate cap, but higher than the competing incumbent LEC rate of \$0.005634 for the same service, and directed Aureon to refile its interstate switched transport rate in accordance with the order and to include cost support for the revised rate.¹⁷ Aureon submitted a revised tariff on September 24, 2018, reducing its interstate switched transport rate to \$0.00296 per MOU effective October 1, 2018.¹⁸ On September 28, 2018, the Bureau suspended the rate filed in Transmittal No. 38, continued the existing accounting order, and set for investigation the lawfulness of the revised interstate switched transport rate.¹⁹

7. After reviewing the information Aureon submitted, the Commission concluded that Aureon failed to provide adequate cost support to justify the tariffed interstate switched transport rate of \$0.00296 contained in Transmittal No. 38, as required by the Commission's rules.²⁰ The Commission also found that Aureon's cost support failed to demonstrate that its Filed Lease Expense complied with the Commission's affiliate transaction rules.²¹ Aureon also failed to establish that it paid its affiliated Network Division less than the lower of: (1) the fair market value of the leased facilities; and (2) the

¹² Letter from James U. Troup, Counsel for Iowa Network Services, Inc. d/b/a Aureon Network Services, to Marlene H. Dortch, Secretary, FCC, Transmittal No. 36 (filed Feb. 22, 2018) (available via the Commission's Electronic Tariff Filing System (ETFS)); Iowa Network Access Division, Tariff F.C.C. No. 1, Transmittal No. 36, 32nd Rev. Page 1, 16th Rev. Page 1.1, 13th Rev. Page 145, § 6.8.1 (filed Feb. 22, 2018) (available via ETFS) (collectively Transmittal No. 36).

¹³ Transmittal No. 36 (proposed revision to § 6.8.1(A)).

¹⁴ See generally *Aureon First Tariff Suspension Order*.

¹⁵ See *Second Order on Reconsideration*, 33 FCC Rcd at 11857-58, para. 7 ("AT&T maintains that the Commission's separate investigation into Aureon's 2018 tariff is somehow dispositive as to the appropriate benchmark and cost-based rate from mid 2013 to 2018. It is not. The 2018 tariff investigation is prospective only, relates to a tariff that Aureon submitted in 2018, and has no bearing on Aureon's 2012 or 2013 tariffs.") (internal citations omitted).

¹⁶ See *Aureon First Tariff Investigation Order*, 33 FCC Rcd at 7524-66, §§ III-V.

¹⁷ *Id.* at 7567, paras. 122-23, 126.

¹⁸ See Letter from James U. Troup, Counsel for Iowa Network Services, Inc. d/b/a Aureon Network Services, to Marlene H. Dortch, Secretary, FCC, Transmittal No. 38 (filed Sept. 24, 2018) (available via ETFS and WC Docket No. 18-60); Iowa Network Access Division Tariff F.C.C. No. 1, Transmittal No. 38, 14th Rev. Page 145, § 6.8.1 (filed Sept. 24, 2018) (available via ETFS) (collectively Transmittal No. 38).

¹⁹ See generally *Aureon Second Tariff Suspension Order*.

²⁰ *Aureon Second Tariff Investigation Order*, 34 FCC Rcd at 1514, para. 12.

²¹ *Id.*; 47 CFR § 32.27.

fully-distributed costs of the leased facilities.²² Accordingly, the Commission directed Aureon to revise its tariffed interstate switched transport rate.²³

8. On April 29, 2019, Aureon filed tariff revisions proposing a new interstate switched transport rate to become effective May 14, 2019,²⁴ but in a series of tariff filings, Aureon further revised the rate and deferred the effective date to October 15, 2019.²⁵ On September 27, 2019, the Bureau granted Aureon's application for special permission and waived rule 61.59 to allow Aureon to make changes to a tariff that had not been effective for 30 days.²⁶ On September 30, 2019, Aureon filed Transmittal No. 44, and accompanying cost support, proposing a revised tariffed interstate switched transport rate of \$0.00411, which became effective on October 15, 2019 and was deemed lawful.²⁷

III. DISCUSSION

A. Data Required to Formulate a Refund Plan

9. As ordered in the *Aureon First Tariff Investigation Order* and *Aureon Second Tariff Investigation Order*, the rates submitted in Transmittal Nos. 36 and 38, while unlawful, remained in effect from March 1, 2018, through October 14, 2019, when the new rate became effective and was deemed lawful.²⁸ Unlawful rates charged during that period are subject to potential refunds for overearnings.²⁹

²² See *Aureon Second Tariff Investigation Order*, 34 FCC Rcd at 1514, para. 12.

²³ *Id.* at 1523, para. 39.

²⁴ See Letter from James U. Troup, Counsel for Iowa Network Services, Inc. d/b/a Aureon Network Services, to Marlene H. Dortch, Secretary, FCC, Transmittal No. 40 (filed Apr. 29, 2019) (available via ETFS); Iowa Network Access Division., Tariff F.C.C. No. 1, Transmittal No. 40, Description and Justification, Cost Support Material (filed Apr. 29, 2019) (available via ETFS); Iowa Network Access Division Tariff, F.C.C. No. 1, 36th Rev. Page 1, 18th Rev. Page 1.1, 15th Rev. Page 145, § 6.8.1 (dated Apr. 29, 2019) (available via ETFS) (proposing an increased interstate switched transport rate of \$0.00363).

²⁵ Letter from James U. Troup, Counsel for Iowa Network Services, Inc. d/b/a Aureon Network Services, to Marlene H. Dortch, Secretary, FCC, Transmittal No. 41 at 1 (filed May 10, 2019) (available via ETFS) (deferring effective date from May 14, 2019 to June 28, 2019); Letter from James U. Troup, Counsel for Iowa Network Services, Inc. d/b/a Aureon Network Services, to Marlene H. Dortch, Secretary, FCC, Transmittal No. 42 at 1 (filed June 21, 2019) (available via ETFS) (deferring effective date from June 28, 2019 to August 1, 2019); Letter from James U. Troup, Counsel for Iowa Network Services, Inc. d/b/a Aureon Network Services, to Marlene H. Dortch, Secretary, FCC, Transmittal No. 43 at 1 (filed July 22, 2019) (available via ETFS) (deferring effective date from August 1, 2019 to October 15, 2019).

²⁶ See Iowa Network Access Division, Tariff F.C.C. No. 1, 40th Rev. Page 1, 22nd Rev. Page 1.1, 19th Rev. Page 145, § 6.8.1 (dated Sept. 30, 2019) (available via ETFS) (noting that tariff changes were issued under authority of Special Permission Number 19-004 of the Commission); Letter from James U. Troup, Counsel for Iowa Network Services, Inc. d/b/a Aureon Network Services, to Marlene H. Dortch, Secretary, FCC, Application No. 9 (filed Sept. 27, 2019) (available via ETFS) (requesting special permission for waiver of section 61.59 "so that changes may be made to tariff material that has not yet been effective for 30 days"); see also 47 CFR § 61.59.

²⁷ Letter from James U. Troup, Counsel for Iowa Network Services, Inc. d/b/a Aureon Network Services, to Marlene H. Dortch, Secretary, FCC, Transmittal No. 44 (filed Sept. 30, 2019) (available via ETFS); Iowa Network Access Division, Tariff F.C.C. No. 1, Transmittal No. 44, Description and Justification, Cost Support Material (filed Sept. 30, 2019) (available via ETFS); Iowa Network Access Division, Tariff F.C.C. No. 1, 40th Rev. Page 1, 22nd Rev. Page 1.1, 19th Rev. Page 145, § 6.8.1 (filed Sept. 30, 2019) (available via ETFS) (collectively Transmittal No. 44).

²⁸ The rate for interstate switched transport service in effect prior to March 1, 2018 was not part of the rate investigation here. See *Second Order on Reconsideration*, 33 FCC Rcd at 11857-58, para. 7. See also *Aureon First Tariff Investigation Order*, 33 FCC Rcd at 7567, para. 128; *Aureon Second Tariff Investigation Order*, 34 FCC Rcd at 1524, para. 41.

²⁹ *Aureon First Tariff Investigation Order*, 33 FCC Rcd at 7567, para. 127 ("It is further ordered that the investigation initiated in WC Docket No. 18-60 is terminated and that the rates under investigation in this

(continued....)

Accordingly, Aureon is liable to its customers for refunds of any overpayments its customers made during the period the unlawful rates were in effect. Under Commission precedent, following a tariff investigation order, carriers submit refund plans for the Commission's review shortly after the conclusion of the underlying tariff investigation.³⁰ In this case, Aureon has not taken steps, in the intervening time, to refund overcharged customers nor has it submitted a refund plan detailing how it plans to do so. Therefore, we order the company to submit the information necessary to enable the Bureau to formulate a refund plan and conclude the investigation into Aureon's interstate switched transport rate. To calculate the appropriate refunds for the period in which Aureon charged an unlawful rate—March 1, 2018 through October 14, 2019—the Bureau must review Aureon's cost and demand data for the relevant years.³¹ Accordingly, we direct Aureon to provide actual, historical cost and demand data for calendar years 2018 and 2019, as specified below.³²

10. We direct Aureon to develop and submit actual, historical year cost of service studies for calendar years 2018 and 2019. As part of these studies, we direct Aureon to develop its actual, historical year revenue requirement for interstate switched transport service separately for calendar years 2018 and 2019. We also direct Aureon to report, separately for calendar years 2018 and 2019, its actual billed revenues from nonrecurring rates or rates that produce "miscellaneous" revenues for which costs are reflected in its actual, historical revenue requirement for interstate switched transport service.³³ We note that Aureon is obligated to develop cost studies on a calendar-year basis pursuant to the annual rate-of-return monitoring report requirements in section 65.600(b) of the Commission's rules.³⁴

11. We further direct Aureon to provide documentation detailing how it accounts for its company-wide investments and expenses pursuant to Part 32 of the Commission's rules, in these studies. Aureon must also detail how it directly assigns, attributes, or allocates all or a portion of these investments and expenses: 1) to regulated or unregulated activities, pursuant to Part 64 of the Commission's rules; 2) to interstate or intrastate jurisdictions, pursuant to Part 36 of the Commission's

(Continued from previous page) _____
proceeding are unlawful and subject to potential refunds for overearnings."); *Aureon Second Tariff Investigation Order*, 34 FCC Rcd at 1523, para. 40 ("It is further ordered that the investigation initiated in WC Docket No. 18-60 is terminated and that the rate[s] under investigation in this proceeding are unlawful and subject to potential refunds for overearnings.").

³⁰ See, e.g., Refund Plan of South Dakota Network, LLC, WC Docket No. 18-100; Transmittal No. 13 at 1 (filed Apr. 17, 2019) ("South Dakota Network, LLC (SDN), pursuant to the Commission's Memorandum Opinion and Order in the above-captioned proceeding, hereby submits its refund plan to implement the rate adjustment prescribed by the Commission.") (internal citation omitted); see also Letter from G. David Carter, Counsel for Northern Valley Communications, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 20-11, Transmittal No. 12 (filed Sept. 8, 2020) (attaching Northern Valley's refund plan).

³¹ Aureon filed cost studies with the Commission during the tariff investigation. See, e.g., Transmittal No. 44, Description and Justification, Cost Support Material (available via ETFS). None of these studies reflect actual, historical costs specifically for calendar year 2018 or 2019.

³² There is a Protective Order in this proceeding and the required information can be filed confidentially under the protections of that order. *Iowa Network Access Division Tariff F.C.C. No. 1*, WC Docket No. 18-60, Transmittal No. 36, Protective Order, 33 FCC Rcd 2893 (WCB 2018).

³³ In Transmittal No. 44, Description and Justification, Cost Support Material, Aureon developed a projected test year cost-of-service (or TYCOS) revenue requirement for the year ending August 31, 2020, and a past year revenue requirement (or PYCOS) for the year ending June 30, 2019. It subtracted "Miscellaneous Revenue" derived from "CEA Nonrecurring Charge[s]" from each revenue requirement. It then divided the test year revenue requirement, net of this miscellaneous revenue, by projected access MOU to determine the rate for interstate switched transport service at issue in this proceeding. See Transmittal No. 44, Excel workbook (CONFIDENTIAL) JSI INS 2019 FCC Filing – TYCOS YE 8-2020 – 9-2019, worksheet Sec 2 – Rate Development, cells G26 and H26 and worksheet Dec 2018 FCC Trial Balance, cell F185.

³⁴ 47 CFR § 65.600(b).

rules and; 3) to interstate switched transport service, pursuant to Part 69 of the Commission's rules. This documentation must be submitted in a similar format, and at the same level of detail, on Excel spreadsheets as Aureon submitted in Transmittal No. 44.³⁵ We direct Aureon to explain in detail and to justify all of its investment and expense assignments, attributions, and allocations and to demonstrate how these assignments, attributions, or allocations are consistent with the Commission's findings in the *Aureon First Tariff Investigation Order* and the *Aureon Second Tariff Investigation Order*.

12. We direct Aureon to submit actual monthly billed MOU (demand) for interstate switched transport service for each month of calendar years 2018 and 2019. We also direct Aureon to provide the following data relative to each customer to which it supplied interstate switched transport service for each month that customer took service during the period March 1, 2018 to October 14, 2019:

- 1) company name;
- 2) service month(s) and year(s);
- 3) billed MOU;
- 4) billed rate;
- 5) billed revenues;
- 6) collected revenues;
- 7) payment date; and
- 8) balance due.

13. We issue this Order requiring Aureon to file data because, unlike other carriers subject to tariff investigations, Aureon has not voluntarily filed a refund plan. We take this opportunity to reaffirm that carriers must work with Commission staff to conclude tariff investigations in a timely manner and remind carriers that tariff investigation proceedings may extend beyond the adoption of a tariff investigation order in certain circumstances.³⁶

B. Legal Authority

14. This Order is part of an ongoing proceeding to investigate the lawfulness of Aureon's interstate switched transport rate. We have authority to issue this Order pursuant to the requirements adopted in the tariff investigation orders,³⁷ the accounting order in place in this proceeding,³⁸ and the authority set forth in 47 U.S.C. § 204(a)(1).³⁹ In addition, pursuant to the Commission's Part 32, 64, 36, and 69 rules, the *Aureon First Tariff Investigation Order*, and the *Aureon Second Tariff Investigation Order*, we have authority to direct Aureon to provide specific data to allow the Bureau to determine the appropriate refund for the charges imposed from the period March 1, 2018 (the effective date of the rate

³⁵ Transmittal No. 44, Description and Justification, Cost Support Material.

³⁶ 47 U.S.C. § 204. We also reaffirm the Bureau's delegated authority to manage and enforce the specifics of any tariff investigation including, but not limited to, suspending or rejecting tariff filings, issuing accounting orders, designating issues for investigation, and ordering appropriate refunds. See 47 CFR §§ 0.91. 0.291.

³⁷ *Aureon First Tariff Investigation Order*, 33 FCC Rcd at 7567, para. 125 ("We further direct the Wireline Competition Bureau to determine any refunds that may be required once revised rates are effective."); *Aureon Second Tariff Investigation Order*, 34 FCC Rcd at 1523, para. 38 ("We further direct the Bureau to determine any refunds that may be required once a revised rate is effective.").

³⁸ *Aureon First Tariff Suspension Order*; *Aureon Second Tariff Suspension Order*.

³⁹ See 47 U.S.C. § 204(a)(1) ("[T]he Commission may by order require the interested carrier or carriers to keep accurate account of all amounts received by reason of such charge for a new service or revised charge, specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision may by further order require the interested carrier or carriers to refund, with interest, to the persons in whose behalf such amounts were paid, such portion of such charge for a new service or revised charges as by its decision shall be found not justified. . . ."). As set forth above, the information required by this Order is necessary to ascertain the appropriate amount of the refunds. See also *id.* at §§ 154(i), 218, 403; 47 CFR § 1.17.

submitted in Transmittal No. 36) through October 14, 2019 (the day before the rate submitted in Transmittal No. 44 became effective and was deemed lawful).⁴⁰

IV. PROCEDURAL MATTERS

15. Aureon must provide all required data in native, fully-operational electronic format. Aureon's cost support should provide the detail and clarity necessary for the Bureau to replicate Aureon's costing methodologies and calculations. All spreadsheet cells that contain entries that are references to or calculations based on other spreadsheet cells must include the formula for such reference or calculation. This includes references and calculations based on entries in different worksheets within the same workbook file. All spreadsheets must contain sufficient detail regarding the methodologies and calculations used to produce specific cells.

16. Bureau staff will use the data Aureon submits to calculate the appropriate refunds for the period March 1, 2018, through October 14, 2019. In a subsequent Public Notice, the Bureau will provide an opportunity for interested parties to comment on the proposed refund plan. After reviewing all submitted comments the Bureau will issue an order directing Aureon to pay the determined refunds, plus applicable interest, to its affected customers.⁴¹ These refund payments will conclude the investigation into Aureon's interstate switched transport rate.

V. ORDERING CLAUSES

17. **ACCORDINGLY, IT IS ORDERED**, pursuant to sections 4(i), 4(j), 5, 201-204, 218, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 155, 201-204, 218, and 403, that Iowa Network Access Division d/b/a Aureon Network Services provide the information described herein within sixty (60) days from the release date of this Order.

18. **IT IS FURTHER ORDERED** that pursuant to section 1.103 of the Commission's rules, 47 CFR § 1.103, this Order **SHALL BE EFFECTIVE** upon release.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁴⁰ 47 CFR parts 32, 64, 36 & 69; *Aureon First Tariff Investigation Order*; *Aureon Second Tariff Investigation Order*.

⁴¹ *See, e.g., July 1, 2018 Annual Access Charge Tariff Filings*; *South Dakota Network, LLC Tariff F.C.C. No. 1*, WC Docket No. 18-100; Transmittal No. 13, Memorandum Opinion and Order, 34 FCC Rcd 3671, 3672, para. 2 (WCB 2019) (describing process followed to determine refunds SDN owed its customers after a tariff investigation).