

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE ARBITRATION OF:

SPRINT COMMUNICATIONS COMPANY L.P.,

Petitioning Party,

vs.

ACE COMMUNICATIONS GROUP, CLEAR LAKE INDEPENDENT TELEPHONE COMPANY, FARMERS MUTUAL COOPERATIVE TELEPHONE CO. OF SHELBY, FARMERS TELEPHONE COMPANY, FARMERS MUTUAL TELEPHONE COMPANY, GRAND RIVER MUTUAL TELEPHONE CORPORATION, HEART OF IOWA COMMUNICATIONS COOPERATIVE, HEARTLAND TELECOMMUNICATIONS COMPANY OF IOWA d/b/a HICKORYTECH, HUXLEY COMMUNICATIONS, IOWA TELECOMMUNICATIONS SERVICES, INC., d/b/a IOWA TELECOM f/k/a GTE MIDWEST, KALONA COOPERATIVE TELEPHONE, LA PORTE CITY TELEPHONE COMPANY, LEHIGH VALLEY COOPERATIVE TELEPHONE ASSOCIATION, LOST NATION-ELWOOD TELEPHONE COMPANY, MINBURN TELECOMMUNICATIONS, INC., ROCKWELL COOPERATIVE TELEPHONE ASSOCIATION, SHARON TELEPHONE, SHELL ROCK TELEPHONE COMPANY d/b/a BEVCOMM c/o BLUE EARTH VALLEY TELEPHONE COMPANY, SOUTH CENTRAL COMMUNICATIONS, INC., SOUTH SLOPE COOPERATIVE TELEPHONE COMPANY, SWISHER TELEPHONE COMPANY, VAN BUREN TELEPHONE COMPANY, INC., VENTURA TELEPHONE COMPANY, INC., VILLISCA FARMERS TELEPHONE COMPANY, WEBSTER CALHOUN COOPERATIVE TELEPHONE ASSOCIATION, WELLMAN COOPERATIVE TELEPHONE ASSOCIATION, and WEST LIBERTY TELEPHONE COMPANY d/b/a LIBERTY COMMUNICATIONS,

Responding Parties.

DOCKET NO. ARB-05-2

**ORDER SHORTENING TIME TO RESPOND TO MOTION**

(Issued September 8, 2005)

On September 7, 2005, the Respondent rural incumbent local exchange carriers,<sup>1</sup> hereinafter referred to as the RLECs, filed with the Utilities Board (Board) a "Motion to Compel, or, In the Alternative, Motion to Strike and Motion for Leave to Submit Supplemental Testimony." In the motion, the RLECs seek an order from the Board compelling Sprint Communications Company L.P. (Sprint) to respond to certain data requests or, in the alternative, to strike portions of Sprint's pleadings and testimony already presented in this proceeding and estop Sprint from raising such matters in future pleadings and testimony in this proceeding. The RLECs also seek an order granting them an opportunity to file supplemental testimony after Sprint has produced the information.

Without limiting the arguments made by the RLECs, it appears the gist of the motion is that Sprint has objected to some of the RLEC data requests on the basis that they seek information about matters outside the State of Iowa. The RLECs argue that Sprint's pleadings and prefiled testimony put Sprint's actions in other states at issue, as Sprint has alleged certain facts regarding its experience in similar circumstances in other states. Accordingly, the RLECs argue, either they are entitled

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<sup>1</sup> Ace Communications Group, Clear Lake Independent Telephone Company, Farmers Mutual Cooperative Telephone Co. of Shelby, Farmers Telephone Company, Farmers Mutual Telephone Company, Grand River Mutual Telephone Corporation, Heart of Iowa Communications Cooperative, Heartland Telecommunications Company of Iowa d/b/a HickoryTech, Huxley Communications, Iowa Telecommunications Services, Inc. d/b/a Iowa Telecom f/k/a GTE Midwest, Kalona Cooperative Telephone, La Porte City Telephone Company, Lehigh Valley Cooperative Telephone Association, Lost Nation-Elwood Telephone Company, Minburn Telecommunications, Inc., Rockwell Cooperative Telephone Association, Sharon Telephone, Shell Rock Telephone Company d/b/a BEVCOMM c/o Blue Earth Valley Telephone Company, South Central Communications, Inc., South Slope Cooperative Communications Company, Swisher Telephone Company, Van Buren Telephone Company, Inc., Ventura Telephone Company, Inc., Villisca Farmers Telephone Company, Webster Calhoun Cooperative Telephone Association, Wellman Cooperative Telephone Association, and West Liberty Telephone Company d/b/a Liberty Communications.

to inquire into those other Sprint experiences or the Sprint pleadings and testimony regarding those experiences (and the conclusions Sprint draws from that testimony) should be stricken from the record.

The Board has reopened this docket pursuant to a remand from the U.S. District Court. That remand gives the Board only 60 days to rehear and reconsider its May 26, 2005, dismissal order. This requires a September 30, 2005, hearing date. Given this tight time frame, it is apparent that the Board cannot wait two weeks for Sprint's response to the RLECs' motion to compel. Moreover, it appears that the parties have made a good-faith effort to resolve this dispute without resorting to the Board, so Sprint must be presumed to have already developed its position on the discovery dispute. Under these circumstances, the Board finds it reasonable to shorten Sprint's time to respond to the RLECs' motions to compel, to strike, and for supplemental testimony to Monday, September 12, 2005.

**IT IS THEREFORE ORDERED:**

The time for filing a response to the "Motion to Compel, or, In the Alternative, Motion to Strike and Motion for Leave to Submit Supplemental Testimony" filed in this docket on September 7, 2005, is shortened to September 12, 2005.

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Sharon Mayer  
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 8<sup>th</sup> day of September, 2005.