

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>MCC TELEPHONY OF IOWA, INC., AND SPRINT COMMUNICATIONS COMPANY L.P.,</p> <p style="text-align:center">Petitioners,</p> <p style="text-align:center">v.</p> <p>SPENCER MUNICIPAL UTILITIES,</p> <p style="text-align:center">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-05-70</p>
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ORDER SHORTENING TIME FOR ANSWER

(Issued November 23, 2005)

On November 18, 2005, MCC Telephony of Iowa, Inc. (MCC), and Sprint Communications Company L.P. (Sprint), filed with the Utilities Board (Board) a "Complaint and Request for Injunctive Relief and Expedited Schedule" (the Complaint). MCC and Sprint allege that Spencer Municipal Utilities (SMU) is engaging in prohibited and anticompetitive acts.

Specifically, MCC and Sprint allege that MCC is a competitive local exchange carrier (CLEC) providing service in the exchange that serves the city of Spencer, among others, relying in part on wholesale services from Sprint to provide MCC's retail service. SMU is also a CLEC serving the city of Spencer as well as certain surrounding areas.

On or about November 3, 2005, MCC became aware that some SMU customers are only able to complete calls to MCC numbers in the same local exchange by dialing 1+ and, presumably, incurring toll charges. According to the complaint, Sprint has offered a "traffic exchange agreement" to SMU, which SMU has not accepted.

MCC and Sprint allege this is a violation of Iowa Code §§ 476.100 and 476.101 and 47 U.S.C. §§ 202, 251(a)(1), and 251(b)(3).

MCC and Sprint filed the Complaint pursuant to Iowa Code § 476.101(8), which requires that if the Board grants formal complaint proceedings, it must render a decision in the proceeding within 90 days after the complaint was filed. Thus, if the Board grants formal complaint proceedings, it must issue its decision in this docket by February 16, 2006. In order to preserve the opportunity to meet this deadline, the Board will shorten SMU's time to file its answer to the complaint; the answer will now be due on or before November 30, 2005.

IT IS THEREFORE ORDERED:

On or before November 30, 2005, Spencer Municipal Utilities shall file its answer to the "Complaint and Request for Injunctive Relief and Expedited

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Scheduling" filed on November 18, 2005, by MCC Telephony of Iowa, Inc., and Sprint
Communications Company L.P.

UTILITIES BOARD

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 23rd day of November, 2005.