

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>LTDS CORPORATION,</p> <p style="text-align:center">Complainant,</p> <p style="text-align:center">vs.</p> <p>IOWA TELECOMMUNICATIONS SERVICES, INC., d/b/a IOWA TELECOM,</p> <p style="text-align:center">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-05-72</p>
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**ORDER DOCKETING COMPLAINT, ESTABLISHING PROCEDURAL SCHEDULE,
DENYING REQUEST FOR INJUNCTIVE RELIEF, AND GRANTING MOTION**

(Issued December 19, 2005)

On November 28, 2005, LTDS Corporation (LTDS) filed with the Utilities Board (Board) a complaint against Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom). The complaint has been identified as Docket No. FCU-05-72. LTDS' complaint was filed pursuant to Iowa Code § 476.101(8) and 199 IAC 6 (2005). LTDS alleges that Iowa Telecom has threatened to discontinue certain services to LTDS in five exchanges in violation of both the Board's order in Docket No. ARB-05-3 and the companies' interconnection agreement.

On December 5, 2005, Iowa Telecom filed a response and answer to the complaint, stating that the actions it intends to take do not disrupt any voice services provided by LTDS, but only require changes in billing practices.

On December 12, 2005, LTDS filed a reply to Iowa Telecom's response and answer. Also on December 12, 2005, LTDS filed a motion to accept the late-filed reply, stating that Iowa Telecom did not object to LTDS filing its reply on December 12. The Board will grant the motion and allow the reply.

Iowa Code § 476.101(8) provides, in relevant part, that when the Board initiates formal complaint proceedings in response to a written complaint regarding a local exchange carrier's compliance with sections 476.96 through 476.102, "[t]he board shall render a decision in the proceeding within ninety days after the date the written complaint was filed." Thus, the deadline for Board action in this docket is February 27, 2005, and the Board is docketing this matter and establishing a procedural schedule that will satisfy that requirement.

The Board also finds that the limited time available for this proceeding means that the 14-day period for responding to motions, set forth in 199 IAC 7.7(11), and the 7-day period for responding to data requests, see 199 IAC 7.7(2), are impractical in this proceeding. The Board will order that responses or objections to all motions and data requests must be filed or provided within five days of the date the motion is filed or the data request is served. In order to accommodate that abbreviated time frame, parties are directed to serve all motions and data requests by facsimile transfer or electronic mail, as well as by United States mail.

In its complaint, LTDS also requested emergency injunctive relief to prohibit Iowa Telecom from unilaterally discontinuing services to LTDS. However, since Iowa

Telecom has asserted that any changes it makes will be in billing practices only and not to physical connections, the Board finds that LTDS has not demonstrated that it will suffer irreparable harm if the injunction is not granted. Based on Iowa Telecom's assertion, the Board will deny the request for injunctive relief.

IT IS THEREFORE ORDERED:

1. The complaint filed on November 28, 2005, by LTDS Corporation against Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, is docketed for investigation as Docket No. FCU-05-72.
2. The following procedural schedule is established for this proceeding.
 - a. LTDS Corporation and any intervenors shall file prepared direct testimony, with supporting exhibits and workpapers, on or before December 30, 2005.
 - b. Iowa Telecom shall file rebuttal testimony, with supporting exhibits and workpapers, on or before January 17, 2006.
 - c. A hearing for the purpose of receiving testimony and cross-examination of all testimony will commence at 9 a.m. on Wednesday, January 25, 2006, in the Board's hearing room at 350 Maple Street, Des Moines, Iowa. Parties shall appear at the hearing one-half hour prior to the time of hearing to mark exhibits. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Board at 515-281-5256 to request appropriate arrangements.

d. Any party desiring to file a brief may do so on or before February 10, 2006.

3. In the absence of objection, all workpapers shall become a part of the evidentiary record at the time the related testimony and exhibits are entered in the record.

4. In the absence of objection, all data requests and responses referred to in oral testimony or cross-examination, which have not previously been filed with the Board, shall become a part of the evidentiary record. The party making reference to the data request or response shall file an original and six copies at the earliest possible time.

5. In the absence of objection, if the Board calls for further evidence on any issue and that evidence is filed after the close of hearing, the evidentiary record shall be reopened and the evidence will become a part of the evidentiary record three days after filing. All evidence filed pursuant to this paragraph shall be filed no later than five days after the close of hearing.

6. Pursuant to 199 IAC 7.7(2) and (11), the time for filing responses or objections to data requests and motions will be shortened to five days from the date the motion is filed or the data request is served. All data requests and motions should be served by facsimile transfer or by electronic mail, in addition to United States mail.

7. The request for emergency injunctive relief filed by LTDS Corporation on November 28, 2005, is denied as described in this order.

8. The motion to accept late-filed reply filed by LTDS Corporation on December 12, 2005, is granted.

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 19th day of December, 2005.