

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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| <p>IN RE:</p> <p>COON CREEK TELECOMMUNICATIONS<br/>CORP.,</p> <p style="text-align:center">Petitioner,</p> <p style="text-align:center">vs.</p> <p>IOWA TELECOMMUNICATIONS<br/>SERVICES, INC., d/b/a IOWA TELECOM,</p> <p style="text-align:center">Respondent.</p> | <p style="text-align:center">DOCKET NO. FCU-06-42</p> |
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**ORDER GRANTING MOTION FOR LEAVE TO AMEND**

(Issued May 19, 2006)

On May 4, 2006, Coon Creek Telecommunications Corp. (Coon Creek) filed with the Utilities Board (Board) a complaint and request for emergency and permanent relief against Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom), pursuant to Iowa Code § 476.101(8), among other provisions. Coon Creek alleges, in part, that Iowa Telecom is engaging in predatory pricing, discriminatory behavior, and anti-competitive practices in violation of various provisions of Iowa law. Coon Creek asserts the Board has jurisdiction over the allegations, causes of action, and requested remedies included in its complaint.

On May 10, 2006, Coon Creek filed with the Board an amended complaint and motion for leave to amend its complaint. Coon Creek seeks permission to add three paragraphs to the complaint, explaining that its counsel only recently learned of the substance of the allegations in the new paragraphs.

Also on May 10, 2006, Iowa Telecom filed with the Board a response to Coon Creek's motion for leave to amend its complaint. While not admitting the truth of the allegations in either the original or amended complaint, Iowa Telecom states it does not object to Coon Creek's motion for leave to amend as long as Iowa Telecom is given ten days from the date of an order granting the motion for leave to amend in which to file an answer to the amended complaint. Coon Creek has not replied to Iowa Telecom's response.

The Board will grant Coon Creek's motion for leave to amend its complaint and will allow Iowa Telecom ten days from the date of this order in which to respond to Coon Creek's amended complaint.

**IT IS THEREFORE ORDERED:**

1. The motion for leave to amend filed in this docket on May 10, 2006, by Coon Creek Telecommunications Corp. is granted.

2. Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, shall file its answer to the amended complaint on or before ten days from the date of this order. All relevant time calculations in this docket shall be made from the date of this order.

**UTILITIES BOARD**

/s/ John R. Norris

ATTEST:

/s/ Margaret Munson  
Executive Secretary, Deputy

/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 19<sup>th</sup> day of May, 2006.