

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>SPRINT COMMUNICATIONS COMPANY L.P. AND MCC TELEPHONY OF IOWA, INC.,</p> <p style="text-align:center">Complainant,</p> <p style="text-align:center">v.</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-06-49</p>
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**ORDER DOCKETING COMPLAINT AND
ESTABLISHING EXPEDITED PROCEDURAL SCHEDULE**

(Issued July 28, 2006)

On July 24, 2006, Sprint Communications Company L.P. (Sprint) and MCC Telephony of Iowa, Inc. (MCC), collectively "Complainants," filed with the Utilities Board (Board) a motion to enforce arbitration agreement or, in the alternative, complaint against Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom). Complainants allege, among other things, that Iowa Telecom is in violation of an arbitration order issued by the Board on March 24, 2006, in Docket Nos. ARB-05-2, ARB-05-5, and ARB-05-6 (Arbitration Order) and has refused to provide functional interconnection to Sprint (resulting in the refusal to permit the initiation of customer service by MCC) in violation of Iowa Code § 476.100 (2005).

Sprint alleges that at the beginning of the relevant time period it was a certified local exchange carrier (CLEC); it now operates under an "Order in Lieu of Certificate" authorizing Sprint to provide telecommunications services to wholesale customers. MCC is a certificated CLEC.¹

Iowa Telecom is alleged to be an incumbent local exchange carrier as defined in 47 U.S.C. § 251(c) and a local exchange carrier under Iowa Code § 476.96(5).

In the pleading, Complainants allege that Iowa Telecom has refused interconnection and violated various provisions of Iowa Code §§ 476.100 and 476.101 and the "Arbitration Order." Complainants ask for an expedited procedural schedule and an emergency injunction.

The Board will docket Complainant's filing for further investigation. 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 §§ 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 on the complaint aspect of this docket is October 22, 2006, and the Board will establish a procedural schedule that will allow it to satisfy that requirement. The procedural schedule will apply to both aspects of the filing, the motion to enforce arbitration agreement and complaint.

¹ See *In Re: Sprint Communications Company L.P.*, "Order Canceling Certificate and Issuing Order in Lieu of Certificate," Docket No. SPU-05-21, Certificate No. 0271, issued March 3, 2006.

The Board recognizes that Complainants have requested emergency injunctive relief. The Board may rule on this request after reviewing any answer filed by Iowa Telecom, which is due on August 3, 2006, pursuant to 199 IAC 7.9(2)"a," as well as any other preliminary issues that may have been raised in the initial filing or answer.

IT IS THEREFORE ORDERED:

1. The "Motion to Enforce Arbitration Agreement or, In the Alternative, Complaint" filed by Sprint Communications Company L.P. and MCC Telephony of Iowa, Inc., against Iowa Telecommunications Services, d/b/a Iowa Telecom, is docketed as a formal complaint proceeding identified as Docket No. FCU-06-49.

2. The following procedural schedule is established for this proceeding:

a. Sprint and MCC shall file prepared direct testimony, with supporting exhibits and workpapers, on or before August 10, 2006. If a response to a data request is referenced in Sprint or MCC's prepared testimony, the response shall be filed as an exhibit with the testimony.

b. Iowa Telecom shall file rebuttal testimony, with supporting exhibits and workpapers, on or before August 24, 2006. If a response to a data request is referenced in Iowa Telecom's prepared testimony, the response shall be filed as an exhibit with the testimony.

c. Sprint and MCC may file reply testimony, with supporting exhibits and workpapers, on or before August 31, 2006. If a response to a data

request is referenced in Sprint or MCC's prepared testimony, the response shall be filed as an exhibit with the testimony.

d. A hearing for the purpose of receiving testimony and cross-examination of all witnesses will commence at 9 a.m. on Tuesday, September 12, 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 in advance of the scheduled date to request that appropriate arrangements be made. The parties are advised that the Board has reserved two days for the hearing in this matter.

e. Any party desiring to file a post-hearing brief may do so on or before September 20, 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.

UTILITIES BOARD

/s/ John R. Norris

ATTEST:

/s/ Margaret Munson /s/ Curtis W. Stamp
Executive Secretary, Deputy

Dated at Des Moines, Iowa, this 28th day of July, 2006.