

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE,</p> <p style="padding-left: 100px;">Complainant,</p> <p style="padding-left: 100px;">vs.</p> <p>MCI, INC.,</p> <p style="padding-left: 100px;">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-05-65</p>
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ORDER SETTING POST-HEARING SCHEDULE

(Issued August 3, 2006)

The hearing for this case was held on August 1, 2006. At the hearing, the parties agreed to take the following post-hearing actions and file the following post-hearing exhibits and briefs according to the following schedule.

During the week of August 7, 2006, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) will file one original and two copies of the following numbered exhibits with the Utilities Board (Board) Records and Information Center: Exhibits 1-5, 5A, 5B, 6, 7, 7A, 8-10, 10A, 11-28, 29, 2App, 3App, 4App, 5App, 6App, 19App, 23App, corrected DS-1 (revised to include only the first two pages), and DHB-1 through DHB-5. The Consumer Advocate does not need to re-file Exhibits SFK-1 through SFK-3 since they were included with Mr. Keesler's prefiled testimony.

At the hearing, MCI, Inc. (MCI) witness Ms. Lichtenberg testified regarding a number of industry standards, rules, guidelines, agreements, collaborative processes, and FCC orders. Some of this information is included in MCI Exhibits JMR-105 through JMR-108 filed with MCI's prefiled testimony. Some was not included in prefiled exhibits. For the information that was not prefiled, MCI will provide copies of the items referred to as post-hearing exhibits. In the exhibits, MCI will include only those pages of the items referred to that are relevant to this case. On or before August 9, 2006, MCI will provide copies of its proposed exhibits to the Consumer Advocate. On or before August 16, 2006, the Consumer Advocate will tell MCI whether it has any objection to admission of any of the exhibits. If the Consumer Advocate has no objection, MCI will file the post-hearing exhibits. If the Consumer Advocate has an objection, the parties will notify the undersigned of the dispute and file appropriate motions.

The Consumer Advocate or Qwest will file a request pursuant to 199 IAC 1.9(6) regarding Consumer Advocate Exhibit SFK-3 with the Board as soon as possible.

MCI will file a request pursuant to 199 IAC 1.9(6) regarding the exhibits it wishes the Board to hold confidential as soon as possible.

The parties will file initial post-hearing briefs on or before September 1, 2006. In their briefs, the parties must address the following questions. Are the actions by MCI in this case the kind of actions that were intended to be addressed by Iowa Code § 476.103 and 199 IAC 22.23? Why or why not? Do the actions by MCI fit within the definition of "change in service," "slamming," and/or "cramming" in Iowa Code

§ 476.103 and 199 IAC 22.23? Why or why not? Each party must file a revised timeline with citations to the record with its brief. These timelines must include the changes in dates testified to at the hearing.

The parties will file post-hearing reply briefs on or before September 21, 2006.

Attorney Mr. Timothy Goodwin appeared at the hearing representing Consumer Advocate witness Mr. Stephen Keesler. Mr. Goodwin and Mr. Keesler are both Qwest employees. At the hearing, Mr. Goodwin clarified that he was representing Mr. Keesler, not Qwest. Mr. Goodwin stated he had not filed a request to appear pro hac vice, and the undersigned waived the requirement for the purpose of the hearing. Mr. Goodwin stated he may wish to file a post-hearing brief in this matter. If Mr. Goodwin wishes to file a post-hearing brief, he must file an appearance and request to appear pro hac vice with his brief and must comply with the briefing schedule established in this order.

IT IS THEREFORE ORDERED:

The parties shall comply with the schedule set forth in this order.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 3rd day of August, 2006.