

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">Complainants,</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>DOCKET NO. FCU-07-9</p>
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**ORDER SHORTENING TIME FOR RESPONSE AND  
GRANTING REQUEST FOR CONFIDENTIALITY**

(Issued June 29, 2007)

On June 26, 2007, Sprint Communications Company L.P. (Sprint) and MCC Telephony of Iowa, Inc. (MCC), filed with the Utilities Board (Board) a complaint against Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom), alleging that Iowa Telecom is acting in a manner inconsistent with the Trading Partner Profile (TPP) incorporated into the Interconnection Agreement (Agreement) between the parties, regarding the processing of customer orders. Sprint and MCC state that Iowa Telecom's actions are in violation of the Board's November 9, 2006, order in Docket No. FCU-06-49, Iowa Code § 476.100, 47 C.F.R. § 64.1120, and certain North American Numbering Council (NANC) standards.

The parties should note that Sprint and MCC filed this complaint in Docket No. FCU-06-49. The Board issued a final order in that docket on November 9, 2006, which is now the subject of proceedings in federal district court. Therefore, a new docket number has been assigned to this complaint, Docket No. FCU-07-9.

In support of their complaint, Sprint and MCC assert that Iowa Telecom has unilaterally elected to process orders to change a customer's service from Iowa Telecom to MCC in "due date order," rather than in the order received. Sprint and MCC state that there are two steps of order processing at Iowa Telecom once an order is submitted by Sprint. The complainants assert that once an order is submitted, Iowa Telecom should conduct an initial review of the order to determine whether it will be accepted or rejected. The complainants state that if the order is accepted a Firm Order Commitment (FOC) is issued, committing Iowa Telecom to transfer the service on a particular scheduled date. Sprint and MCC state that if the order is rejected, it is returned to Sprint with an explanation regarding why the order could not be processed and then Sprint must resolve the issue and resubmit the order.

The complainants state that Iowa Telecom is holding orders and determining the acceptance or rejection of an order on a "due date" basis rather than on an "as submitted" basis. As a result Iowa Telecom is rejecting some orders outside the two-day time frame provided for in the TPP. Sprint and MCC claim that a delayed rejection, due to Iowa Telecom's manner of processing, means that the original due date which Sprint and MCC coordinated with the customer is missed because Sprint and MCC do not have time to resolve the issues and resubmit the order for process

completion before the scheduled due date. The result is that the complainants have to contact the customer and reschedule delivery, which according to the complainants, causes customer dissatisfaction.

As part of their complaint, Sprint and MCC request interim and expedited relief. However, they do not cite any provision of law that requires expedited action and they do not allege all of the criteria required for an emergency adjudication pursuant to Iowa Code § 17A.18A. Nonetheless, the Board understands that MCC is entering Iowa Telecom's exchanges at this time, which is a process that may be unduly delayed if this matter is not resolved in a timely manner. Accordingly, the Board will expedite its processing of the case, to the extent possible.

Pursuant to 199 IAC 7.9(2), an answer to a complaint must normally be filed with the Board within 20 days after the date the complaint was filed. In accordance with that rule, Iowa Telecom is required to answer Sprint and MCC's complaint on or before July 16, 2007. However, because of the request for expedited relief, the Board will exercise its authority pursuant to 199 IAC 7.5 and require that Iowa Telecom file an answer to Sprint and MCC's complaint within ten days from the date the complaint was filed, i.e., on or before July 6, 2007.

Based on the Board's initial review of Sprint and MCC's complaint, it appears that Iowa Telecom may have an obligation to make sufficient resources available to process the orders submitted to it by Sprint in a timely manner, regardless of whether it does so by due date or in the order received. Iowa Telecom's answer should include an explanation as to why it may not have such an obligation or why it cannot

secure sufficient resources to process all of the submitted orders within two business days.

Also on June 26, 2007, Sprint and MCC filed a request for confidential treatment of Exhibits F and I, which were filed as attachments to their complaint. In support of their request, Sprint and MCC state that Exhibit F contains sensitive customer information and Exhibit I contains confidential rollout forecasts for both Sprint and MCC, which if released, would give advantage to competitors and serve no public purpose. Sprint and MCC support their request with an affidavit by a Sprint corporate officer. The materials for which confidentiality was requested were sealed in a separate envelope and marked confidential.

Iowa Code § 22.7(3) provides confidential treatment for trade secrets which are recognized and protected as such by law. The material submitted by Sprint and MCC on June 26, 2007, contain sensitive customer information and rollout forecasts, which have independent economic value.

The Board finds that the application and affidavit support a finding that the information in Exhibits F and I filed by Sprint and MCC on June 26, 2007, constitutes a trade secret under Iowa Code § 550.2(4) as it derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means, by a person able to obtain economic value from its disclosure, and it is the subject of reasonable efforts to maintain its secrecy. The Board finds that this information, if released, would provide an advantage to Sprint and MCC competitors.

Because the Board has found the information to be confidential pursuant to the provisions of Iowa Code § 22.7(3), it finds that it is unnecessary to address whether they also are confidential as reports to a government agency pursuant to Iowa Code § 22.7(6). Therefore, the Board will hold the information confidential under the provisions of Iowa Code § 22.7(3) as requested by Sprint and MCC on June 26, 2007.

**IT IS THEREFORE ORDERED:**

1. Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, shall file a response to the complaint filed by Sprint Communications Company L.P. and MCC Telephony of Iowa, Inc., on June 26, 2007, on or before July 6, 2007, as described in this order.
2. The request for confidentiality filed by Sprint Communications Company L.P. and MCC Telephony of Iowa, Inc., on June 26, 2007, is granted pursuant to Iowa Code § 22.7(3).
3. The information shall be held confidential by the Board subject to the provisions of 199 IAC 1.9(8)"b"(3).

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Curtis W. Stamp

ATTEST:

/s/ Sharon Mayer  
Executive Secretary, Assistant to

Dated at Des Moines, Iowa, this 29<sup>th</sup> day of June, 2007.