

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 style="text-align:center">DOCKET NO. FCU-07-9</p>
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**ORDER DOCKETING COMPLAINT AND
SETTING PROCEDURAL SCHEDULE**

(Issued July 12, 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, which relates to 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.

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, and 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.

On July 6, 2007, Iowa Telecom filed an answer to Sprint and MCC's complaint. In response to the complaint, Iowa Telecom states that Sprint and MCC are ignoring the reasonableness standard imposed by state and federal law by expecting Iowa Telecom to process all orders, regardless of volume, within two business days. In addition, Iowa Telecom states that Sprint and MCC are ignoring the limit on the daily order volume to which they agreed and that Sprint and MCC cannot demonstrate any harm caused by the current order fulfillment process. Iowa Telecom asserts that its order fulfillment process is reasonable, efficient, and effective, and imposes no hardship on Sprint or MCC and that Iowa Telecom is fulfilling its statutory, regulatory, and contractual obligations to Sprint and MCC.

On July 11, 2007, Sprint and MCC amended their complaint to specifically assert violations by Iowa Telecom of Iowa Code §§ 476.100(1) and (5), 476.101(9), and 476.3. In addition, Sprint and MCC request the Board render its decision within 90 days, pursuant to Iowa Code § 476.101(8).

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." Because Sprint and MCC amended their initial complaint to

assert their right to a 90-day proceeding, the Board will calculate the statutory time frame from the date of the amended complaint. Thus, the deadline for Board action in this docket is October 9, 2007, and the Board is docketing this matter and establishing a procedural schedule that will satisfy that requirement.

The parties are reminded that many procedural time lines are shortened in expedited proceedings; a list of shortened time lines can be found at 199 IAC 7.4(10)"c." In order to accommodate these abbreviated time frames, parties should serve all documents by overnight delivery service, personal service, or electronic mail, as required by 199 IAC 7.4(6)"a." In addition, the parties are directed to electronically submit all pre-filed testimony and exhibits to Jennifer Smithson, Assistant General Counsel, at Jennifer.Smithson@iub.state.ia.us, when technically feasible.

IT IS THEREFORE ORDERED:

1. The complaint filed on June 26, 2007, by Sprint Communications Company L.P. and MCC Telephony of Iowa, Inc., and amended on July 11, 2007, is docketed for investigation as Docket No. FCU-07-9. The issues for investigation are as alleged in the amended complaint plus any related issues that may develop during the course of the proceedings.
2. The following procedural schedule is established for this proceeding.
 - a. Sprint Communications Company L.P., MCC Telephony of Iowa, Inc., and any other parties aligned with them shall file prepared direct

testimony, with supporting exhibits and workpapers, on or before July 24, 2007.

b. Iowa Telecommunications Services, Inc., d/b/a/ Iowa Telecom, and any other parties aligned with it shall file rebuttal testimony, with supporting exhibits and workpapers, on or before August 6, 2007.

c. A hearing for the purpose of receiving testimony and cross-examination of all testimony will commence at 9 a.m. on Thursday, August 23, 2007, 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 September 4, 2007.

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. The parties are directed to electronically submit prepared testimony and exhibits to Board staff when technically feasible, as described in this order.

UTILITIES BOARD

/s/ John R. Norris

/s/ Curtis W. Stamp

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 12th day of July, 2007.