

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>SPRINT COMMUNICATIONS COMPANY L.P.,</p> <p style="text-align:center">Petitioning Party,</p> <p style="text-align:center">vs.</p> <p>IOWA TELECOMMUNICATIONS SERVICES, INC., d/b/a IOWA TELECOM,</p> <p style="text-align:center">Responding Party.</p>	<p style="text-align:center">DOCKET NO. ARB-07-2</p>
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**ORDER MEMORIALIZING TELEPHONE CONFERENCE,
MODIFYING PROCEDURAL SCHEDULE, AND DENYING
MOTION TO RECONSIDER PROCEDURAL SCHEDULE**

(Issued September 11, 2007)

On August 30, 2007, Sprint Communications Company L.P. (Sprint) filed a petition with the Utilities Board (Board) requesting that the Board arbitrate certain terms and conditions of a proposed interconnection agreement between Sprint and Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom). In the petition, Sprint lists 15 unresolved issues submitted for arbitration.

On September 5, 2007, the Board issued an order docketing the petition for arbitration, scheduling a telephone conference, and setting a procedural schedule.

On September 6, 2007, Sprint filed a motion to reconsider the procedural schedule included in the Board's September 5 order. In part, Sprint objected to

having to file its direct testimony prior to the date on which Iowa Telecom's response to the petition for arbitration would be filed with the Board, pursuant to 47 U.S.C. § 252(b)(3).

The telephone conference took place as scheduled on September 10, 2007. Sprint, Iowa Telecom, and the Consumer Advocate Division of the Department of Justice (Consumer Advocate) participated, along with Board staff members. As part of the conference, the participating parties discussed the procedural schedule, whether the list of issues submitted for arbitration in Sprint's petition was complete, and what Iowa Telecom intended to provide in terms of a response to the petition. The parties agreed that the response would finalize the list of issues to be considered by the Board in this proceeding, as provided by 47 U.S.C. § 252(b)(4)(A). Iowa Telecom identified one additional issue and one additional sub-issue to be submitted for arbitration. First, Iowa Telecom identified this additional issue:

Section 2.4 of Sprint Exhibit B, Proposed Interconnection Agreement is intended to provide a reservation of rights relating to the Agreement arising out of the Iowa federal district court case 4:06-cv-00291. The language is insufficient for three reasons: (1) it is ambiguous as to the relationship between such case and any agreement that may arise out of the instant proceeding; (2) it creates an ambiguous circumstance in which Iowa Telecom could be obligated to negotiate with Sprint the details of terminating a contract that, pursuant to a court order favorable to Iowa Telecom, would no longer be enforceable; (3) neither it nor Section 14.8, which it references, contains sufficient reservation of rights language.

Second, Iowa Telecom identified this supplement to Issue No. 3:

The issue is whether this Agreement would govern both wireline and wireless traffic. While Iowa Telecom's position is that the Agreement is applicable only to local wireline traffic, if wireless traffic should be permitted, additional terms and conditions must be established in the contract relative to such wireless traffic.

Iowa Telecom agreed to file a response by September 14, 2007, in which it would confirm that there were no issues to be submitted for arbitration other than the 15 issues identified in Sprint's petition and the additional issue and sub-issue identified by Iowa Telecom in the course of the telephone conference. Further, the parties agreed that Iowa Telecom is not expected to provide in its response any substantive support for the positions it will take on the issues identified in Sprint's petition or the additional issue and sub-issue identified by Iowa Telecom in its response. That support will be submitted at a later date, pursuant to the procedural schedule.

The parties also agreed that the procedural schedule included in the Board's September 5 order would be modified to allow Sprint to file its direct testimony by 12 noon on Monday, September 17, 2007; that initial simultaneous briefs would be due on November 5, 2007; and that simultaneous reply briefs would be due on November 13, 2007.

The parties agreed that they would electronically serve all documents filed in this matter and that electronic service would supplement, but not replace, conventional service. Consumer Advocate noted that in light of the agreement to use

electronic service in this proceeding, it would be satisfied with just one paper copy, instead of the usual three copies, of each document filed in this proceeding. Finally, the Board's General Counsel agreed to provide the parties with e-mail notification of the issuance of orders in this docket, to the extent possible.

The Board will approve the procedural schedule as agreed to by the parties in the course of the telephone conference. If any party believes the Board has in this order omitted, misstated, or incorrectly characterized any aspect of the parties' agreement regarding the procedural schedule, or any subject discussed during the call, that party should make an appropriate filing with the Board notifying the Board of the perceived misstatement within three days of the date of this order.

In light of the changes to the procedural schedule agreed to by the parties in the telephone conference, Sprint's September 6, 2007, motion to reconsider the procedural schedule is moot and will be denied.

IT IS THEREFORE ORDERED:

1. The procedural schedule established in the Board's September 5, 2007, order in this docket is modified as follows:
 - a. Iowa Telecom shall file a response to Sprint's petition for arbitration by September 14, 2007. The content of the response shall be as discussed in this order.

b. Sprint shall file prepared direct testimony, with underlying workpapers and exhibits, on or before 12 noon on Monday, September 17, 2007.

c. Any party desiring to file a brief may do so on or before November 5, 2007.

d. Any party desiring to file a reply brief may do so on or before November 13, 2007.

2. The parties agree to electronically serve all documents filed in this proceeding in addition to providing conventional service, as discussed in this order.

3. All other provisions of the procedural schedule in the Board's September 5, 2007, order remain in effect.

4. The "Motion to Reconsider Procedural Schedule" filed in this docket on September 6, 2007, by Sprint Communications Company L.P. is denied.

UTILITIES BOARD

/s/ John R. Norris

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Krista K. Tanner

Dated at Des Moines, Iowa, this 11th day of September, 2007.