

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>QWEST COMMUNICATIONS CORPORATION,</p> <p style="text-align:center">Complainant,</p> <p style="text-align:center">vs.</p> <p>SUPERIOR TELEPHONE COOPERATIVE; THE FARMERS TELEPHONE COMPANY OF RICEVILLE, IOWA; THE FARMERS & MERCHANTS MUTUAL TELEPHONE COMPANY OF WAYLAND, IOWA; INTERSTATE 35 TELEPHONE COMPANY, d/b/a INTERSTATE COMMUNICATIONS COMPANY; DIXON TELEPHONE COMPANY; REASNOR TELEPHONE COMPANY, LLC; GREAT LAKES COMMUNICATION CORP.; AND ADVENTURE COMMUNICATION TECHNOLOGY, L.L.C.,</p> <p style="text-align:center">Respondents;</p> <hr/> <p>REASNOR TELEPHONE COMPANY, LLC,</p> <p style="text-align:center">Counterclaimant,</p> <p style="text-align:center">vs.</p> <p>QWEST COMMUNICATIONS CORPORATION</p> <p style="text-align:center">Counterclaim Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-07-2</p>
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ORDER DENYING MOTION TO AMEND ORDER

(Issued December 10, 2007)

On November 2, 2007, the Farmers & Merchants Mutual Telephone Company of Wayland, Iowa (Farmers-Wayland), filed with the Utilities Board (Board) a motion

to amend the Board's "Order Granting Limited Confidential Treatment" issued October 26, 2007, in this docket. Farmers-Wayland states that on October 18, 2007, it filed with the Board a motion to strike all of the confidential information or documents filed under seal by Qwest Communications Corporation (QCC) on October 10, 2007, in support of QCC's motion to compel the redesignation of confidential documents produced by Farmers-Wayland during discovery. Farmers-Wayland states that in its October 26 order, the Board found that the confidential documents submitted by QCC were appropriately designated as confidential pursuant to the parties' protective agreement, but did not strike the confidential information from the record as Farmers-Wayland requested on October 18. Farmers-Wayland requests the Board amend its order and strike the confidential information and documents submitted by QCC on October 10, 2007, from the record or, in the alternative, permanently seal the records.

On November 9, 2007, QCC filed a response to Farmers-Wayland's motion. QCC states that the Board properly denied Farmers-Wayland's motion to strike filed on October 18, 2007, because there is no basis on which the Board can expunge any part of the public record in this action. QCC asserts that the documents in question are properly part of the agency record and must remain so for purposes of any potential appeal following the Board's final ruling in this matter.

The Board agrees with QCC that the documents in question are part of the administrative record in this proceeding and the documents should remain part of the record, under confidential seal, subject to the provisions of 199 IAC 1.9.

As part of its October 26, 2007, order, the Board noted that the documents in question were not supported by an affidavit executed by a corporate officer as required by 199 IAC 1.9(6)"b." Therefore, the Board directed Farmers-Wayland to submit an affidavit attesting to the confidential nature of the information within 14 days of the issuance of that order. Farmers-Wayland filed its motion to amend the Board's order within the 14 days thereby tolling the 14-day timeline. The Board will continue to hold the information as confidential and allow Farmers-Wayland an additional 14 days, from the issuance of this order to submit an affidavit attesting to the confidential nature of the information submitted by QCC. If no affidavit is submitted in that time the documents and the information they contain will be released to the public record.

IT IS THEREFORE ORDERED:

The motion to amend the Board's October 26, 2007, order filed by the Farmers & Merchants Mutual Telephone Company of Wayland, Iowa, on November 2, 2007, is denied.

UTILITIES BOARD

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 10th day of December, 2007.