STATE OF IOWA

DEPARTMENT OF COMMERCE

UTILITIES BOARD

IN RE: SPRINT COMMUNICATIONS COMPANY L.P., Complainant, vs. DANVILLE MUTUAL TELEPHONE COMPANY; DIXON TELEPHONE COMPANY; READLYN TELEPHONE COMPANY; VAN HORNE COOPERATIVE TELEPHONE COMPANY; WELLMAN COOPERATIVE TELEPHONE ASSOCIATION; MTC TECHNOLOGIES; NORTHERN IOWA TELEPHONE COMPANY; WEBB-DICKENS TELEPHONE CORPORATION; MUTUAL TELEPHONE COMPANY; CENTRAL UTAH COMMUNICATIONS, d/b/a WRLD ALLIANCE; AND ZONE TELECOM, INC., Respondents.	DOCKET NO. FCU-07-11

ORDER GRANTING MOTION TO COMPEL AND EXTENDING PROCEDURAL SCHEDULE

(Issued May 1, 2008)

MOTION TO COMPEL

On April 15, 2008, Sprint Communications Company L.P. (Sprint) filed with the Utilities Board (Board) a motion to compel responses to data requests sent by Sprint

to Central Utah Communications, d/b/a WRLD Alliance (Central Utah). Sprint states that it sent a set of data requests to Central Utah on April 4, 2008, seeking responses on or before April 9, 2008. Sprint states that Central Utah did not respond to the requests. Sprint asserts that on April 14, 2008, Sprint attempted to contact counsel for Central Utah by telephone and received an electronic mail response from Central Utah indicating that it did not intend to comply with Sprint's discovery requests and asserting that the Board does not have jurisdiction over Central Utah. Sprint claims that Central Utah has not made any substantive objections to the data requests.

On April 17, 2008, Central Utah filed a resistance to Sprint's motion. Central Utah asserts that it is not a public utility as defined under Iowa Code § 476.1 and therefore is not subject to regulation by the Board.

On April 24, 2008, Sprint filed a reply to Central Utah's resistance. Sprint states that Central Utah restates its earlier claim of the Board's lack of jurisdiction and that the Board has already determined that issue. Sprint also asserts that Central Utah should not be allowed to refuse to participate in this case while contemplating an appeal of a decision regarding the Board's subject matter jurisdiction over Central Utah.

The Board will grant Sprint's motion to compel. On October 19, 2007, Central Utah filed a motion to dismiss Sprint's complaint against Central Utah, claiming that the Board does not have any regulatory authority over Central Utah. Central Utah argued that it was not a public utility pursuant to Iowa Code § 476.1 and therefore the

Board's jurisdiction did not extend to Central Utah. On February 1, 2008, the Board issued an order in this docket rejecting Central Utah's argument, stating that Central Utah's resale operations in Iowa qualified Central Utah as a public utility pursuant to § 476.1.

Because Central Utah is a party to this proceeding, it is obligated to respond to discovery requests served on it by Sprint. Central Utah has not raised any specific objections to the data requests submitted by Sprint. Pursuant to the procedural schedule established in this proceeding by Board order issued February 1, 2008, the parties must respond to data requests within five days of the date the requests are served. Therefore, Central Utah shall submit responses to the data requests, or reasonable objections to those requests, within five days of the issuance of this order.

The Board notes that based on the record to date, it is possible that the Board lacks jurisdiction over Central Utah to enforce a discovery order based upon data requests. The Board does not believe that to be the case, but the issue has been raised. Sprint may find it more suitable to request subpoenas from the Board and obtain the information it seeks from Central Utah through the traditional subpoena process. This option has been used in other cases with success and may be the fastest alternative available, as it avoids some of the issues. If, however, Sprint chooses to seek additional action from the Board to enforce this order, Sprint must

clearly state the enforcement action it is requesting and the Board's authority for taking that action.

MOTION TO EXTEND PROCEDURAL SCHEDULE

As part of its motion to compel, Sprint asks the Board to extend the procedural schedule in this proceeding. The procedural schedule established in the February 1, 2008, order provides that Sprint's initial testimony is due on May 5, 2008. Sprint asserts that there have been several complications in this case that have hindered Sprint's access to information, making it difficult to meet the May 5, 2008, filing date. Sprint also states that the other access-related cases currently pending before the Board involve the same counsel and subject matter experts. Therefore, Sprint asks for additional time so that counsel and experts can devote the necessary attention to all proceedings as they move forward.

On April 24, 2008, Danville Mutual Telephone Company, Dixon Telephone Company, Readlyn Telephone Company, Van Horne Cooperative Telephone Company, Wellman Cooperative Telephone Association, MTC Technologies, Northern Iowa Telephone Company, Webb-Dickens Telephone Corporation, and Mutual Telephone Company (collectively "the LEC[1] Respondents") filed an objection to Sprint's motion to extend the procedural schedule in this matter. The LEC Respondents state that some of the complications that arose in this case were the result of Sprint's conduct. The LEC Respondents also state that this case has little to

[1] Local Exchange Carrier.

do with the other access-related cases currently pending before the Board and therefore, there is no basis for a delay in this proceeding based on any alleged relationship to other pending cases. The LEC Respondents assert that they are prejudiced by any extension because Sprint has refused to pay access charges assessed by the LEC Respondents, regardless of whether such charges are related to the traffic at issue. The LEC Respondents argue that a three-month delay in this case will unnecessarily prolong Sprint's non-payment.

On April 28, 2008, Sprint filed a reply to the LEC Respondents' objection. Sprint asserts that moving forward with the original procedural schedule would prejudice Sprint. Sprint states that it still does not have any discovery responses from Central Utah and it would be prejudicial to Sprint to require it to proceed without the benefit of those responses. Sprint also states that the LEC Respondents' assertion that they are prejudiced by any delay is a passing allegation that has not been properly put before the Board. Sprint states that counsel for the LEC Respondents initially agreed to an extension of the procedural schedule and now that Sprint has relied on that consent, the LEC Respondents have changed their minds. Sprint asserts that a delay in the procedural schedule is necessary to allow Sprint to obtain discovery responses from Central Utah, review that information, and incorporate the information into its case.

The Board has reviewed Sprint's request and the LEC Respondents' objection and finds that some delay is necessary to allow Sprint to adequately prepare its initial

testimony in this matter. However, the Board is concerned by the allegation that Sprint has not been paying the access charges assessed by the LEC Respondents. Therefore, the Board will balance the parties' situations and will extend the deadline for Sprint's initial testimony and for the LEC Respondents' rebuttal testimony. However, all other dates established in the current procedural schedule will remain unchanged. An amended procedural schedule, including the hearing date, will be established accordingly.

ORDERING CLAUSES

IT IS THEREFORE ORDERED:

1. The motion to compel discovery responses filed by Sprint Communications Company L.P. on April 15, 2008, is granted. Responses to the data requests shall be filed by Central Utah within five days of the issuance of this order.

2. The motion for an extension of the procedural schedule filed by Sprint Communications Company L.P. on April 15, 2008, is granted as described below.

3. The procedural schedule in this docket is amended to reflect the following changes:

   a. Sprint Communications Company L.P. and any intervenors aligned with Sprint shall file prepared direct testimony, with supporting exhibits and workpapers, on or before June 9, 2008.

b. Respondents and any intervenors aligned with them shall file rebuttal testimony, with supporting exhibits and workpapers, on or before July 28, 2008.

4. All other provisions of the established procedural schedule remain unchanged.

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 1st day of May, 2008.