

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>SPRINT COMMUNICATIONS COMPANY L.P.,</p> <p style="text-align:center">Complainant,</p> <p style="text-align:center">vs.</p> <p>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.,</p> <p style="text-align:center">Respondents.</p>	<p>DOCKET NO. FCU-07-11</p>
---	-----------------------------

ORDER GRANTING MOTION TO COMPEL

(Issued May 16, 2008)

On May 6, 2008, Sprint Communications Company L.P. (Sprint) filed with the Utilities Board (Board) a motion to compel responses to the first set of data requests served upon Danville Mutual Telephone Company, Dixon Telephone Company, MTC Technologies, Readlyn Telephone Company, Van Horne Cooperative Telephone Company, Wellman Cooperative Telephone Company, Northern Iowa Telephone

Company, Webb-Dickens Telephone Company, and Mutual Telephone Company (collectively referred to as the LEC Respondents).¹ Sprint states that the LEC Respondents have not provided all relevant information in response to the first set of data requests, which were served on the LEC Respondents on February 18, 2008. Sprint claims that the data requests seek all agreements and communications between the LEC Respondents and the other named Respondents, Central Utah Communications, d/b/a WRLD Alliance (Central Utah), and Zone Telecom, Inc. (Zone). Sprint states that the LEC Respondents claim that the agreements sought by Sprint are subject to confidentiality agreements and, therefore, they will not submit them unless compelled to do so.

Sprint also states that the LEC Respondents have produced incomplete information in response to the data requests, specifically referring to Data Request Nos. 1, 7, 9, 11, 12, and 37. Sprint asks the Board to compel the LEC Respondents to provide complete responses to these data requests.

On May 12, 2008, the LEC Respondents filed a response to Sprint's motion to compel. The LEC Respondents state that they did not produce agreements and communications between them and Central Utah or Zone due to a confidentiality clause in the contracts that requires the information remain confidential unless written consent is granted by Central Utah or Zone. However, the LEC Respondents state that they have no objection to producing their agreements and communications if the Board orders them to do so.

¹ LEC (Local Exchange Carrier).

The LEC Respondents also state that the information Sprint seeks in its first set of data requests is also sought in its second set of data requests. The LEC Respondents state that while the number of responsive documents produced may be less than what Sprint believes to exist, the LEC Respondents identified and produced all information in their possession, custody, or control.

On May 14, 2008, Sprint filed a reply to the response filed by the LEC Respondents. Sprint reasserts its previous arguments and states that the LEC Respondents' claim that they have produced all available documents is not credible. Sprint further states that the LEC Respondents have not explained the efforts that were made to ensure that all the documents were located or the document retention policies to which they refer in their response. Sprint asks the Board to grant its motion to compel and require full and prompt compliance by the LEC Respondents.

The Board will grant Sprint's motion to compel. It is clear from the LEC Respondents' response to Sprint's motion that the LEC Respondents do not object to the production of the agreements and communications sought by Sprint with respect to Central Utah and Zone, so long as it is done pursuant to Board order. Therefore, the Board will compel the LEC Respondents to produce the agreements and communications requested by Sprint in its first set of data requests.

In addition, the Board will compel the LEC Respondents to provide full and complete responses to Data Request Nos. 1, 7, 9, 11, 12, and 37 as requested by Sprint. The Board notes that while the issues raised in Sprint's motion to compel may also be addressed in Sprint's second set of data requests, the LEC Respondents remain obligated to provide thorough and complete responses to each

data request. If the LEC Respondents are not able to provide the information sought by Sprint in those data requests, the LEC Respondents are directed to provide Sprint with an explanation as to why that information is not available.

Due to the tight procedural schedule established in this proceeding, the LEC Respondents are directed to provide responses to Sprint's first set of data requests on or before May 19, 2008.

IT IS THEREFORE ORDERED:

1. The motion to compel filed by Sprint Communications Company L.P. on May 6, 2008, is granted as described in this order.
2. Danville Mutual Telephone Company, Dixon Telephone Company, MTC Technologies, Readlyn Telephone Company, Van Horne Cooperative Telephone Company, Wellman Cooperative Telephone Company, Northern Iowa Telephone Company, Webb-Dickens Telephone Company, and Mutual Telephone Company are directed to provide thorough and complete responses to the first set of data requests served upon them by Sprint Communications Company L.P. on February 18, 2008, on or before May 19, 2008.

UTILITIES BOARD

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 16th day of May, 2008.