

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 WRDL ALLIANCE; AND ZONE  
TELECOM, INC.,

Respondents.

DOCKET NO. FCU-07-11

**ORDER DENYING REQUEST FOR SANCTIONS  
AND GRANTING REQUEST FOR SUBPOENAS**

(Issued May 22, 2008)

On May 8, 2008, Sprint Communications Company L.P. (Sprint) filed with the Utilities Board (Board) a request for subpoenas to be served upon Central Utah Communications, d/b/a WRDL Alliance (Central Utah), as well as sanctions to be

levied against Central Utah in the form of civil penalties. Sprint states that Central Utah is disregarding the Board's May 1, 2008, order compelling Central Utah to respond to discovery requests served by Sprint. Sprint states that pursuant to the Board's order, Central Utah was required to respond to Sprint's discovery requests on or before May 6, 2008, and that Central Utah has not provided any response to those requests. Sprint asks the Board to impose sanctions on Central Utah, pursuant to Iowa Code § 476.51, and issue subpoenas requiring Central Utah to provide responses and responsive documents to Sprint's discovery requests.

Subrule 199 IAC 7.16(1) provides that "an agency subpoena shall be issued to a party on request" and that "parties are responsible for service of their own subpoenas." The Board does not have the discretion to deny Sprint's request to issue subpoenas and, therefore, will issue subpoenas to Sprint for service upon Central Utah. (In fact, the Board has already issued the subpoena forms to counsel for Sprint.)

With respect to Sprint's request for sanctions, the Board finds that the issuance of the subpoena forms makes civil penalties inappropriate at this time, so the request will be denied.

**IT IS THEREFORE ORDERED:**

1. The request for subpoenas submitted by Sprint Communications Company L.P. on May 8, 2008, is granted.

2. The request for sanctions filed by Sprint Communications Company  
L.P. on May 8, 2008, 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 22<sup>nd</sup> day of May, 2008.