

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: QWEST CORPORATION	DOCKET NO. INU-08-2
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ORDER REQUIRING FILING AND SETTING DEADLINE FOR RESPONSE

(Issued December 23, 2008)

On December 19, 2008, LH Telecom, Inc. (LH Telecom) filed a "Verified Application for Subpoena and Request for Confidentiality," with proposed subpoenas duces tecum, it wishes to direct to certain non-party telecommunications carriers (the carriers). LH Telecom states that each of the carriers it wishes to subpoena have been listed by Qwest Corporation (Qwest) in this case as a fiber-based collocator at one or more of the Iowa wire centers Qwest claims are Tier 2 wire centers. LH Telecom states that it is seeking critical information bearing on the issue of whether, and to what extent, each carrier is a fiber-based collocator.

LH Telecom states that it will treat the requested information as highly confidential pursuant to the protective agreement signed by the parties in this proceeding. LH Telecom further states that the highly confidential information includes the names of the carriers and the affected wire center(s) for each carrier. LH Telecom requests the Board to maintain the confidentiality of this information.

LH Telecom states that it has served copies of the application and the proposed subpoena on each carrier for whom LH Telecom requests a subpoena. LH Telecom

states it seeks a ruling on the application as quickly as possible after the response period has passed. If any opposition is filed, LH Telecom requests three days to respond.

In its request seeking confidentiality, LH Telecom did not file information required by Board rule 199 IAC 1.9(6). If it wishes the Board to hold the requested information confidential, LH Telecom must comply with the requirements of the rule and file the required information as soon as possible.

The carriers LH Telecom wishes to subpoena are not parties to this case, so the Board cannot serve them with a copy of this order. Therefore, the undersigned administrative law judge will direct LH Telecom to serve each affected carrier with a copy of this order immediately upon receipt of the order. In addition, LH Telecom is directed to contact each carrier by telephone or electronic mail on the day of receipt of the order and notify the carrier that the order is posted on the Board's website.

IT IS THEREFORE ORDERED:

1. LH Telecom must comply with the requirements of 199 IAC 1.9(6) as soon as possible if it wishes the Board to hold the names of the carriers and the affected wire center(s) for each carrier confidential.
2. Any carrier wishing to file a resistance to the "Verified Application for Subpoena and Request for Confidentiality" filed by LH Telecom on December 19, 2008, must file such response or resistance with the Board on or before January 6, 2009.
3. If any carrier files a resistance, LH Telecom must file any response on or before January 9, 2009.

4. LH Telecom must serve each affected carrier with a copy of this order immediately upon receipt of the order. In addition, LH Telecom must contact each carrier by telephone or electronic mail on the day of receipt of the order and notify the carrier that the order is posted on the Board's Web site.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 23rd day of December, 2008.