

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

IOWA NETWORK SERVICES, INC.,)

Plaintiff,)

v.)

SPRINT COMMUNICATIONS COMPANY)
L.P.,)

Defendant.)

CIVIL ACTION

No. 06-2182-CM

MEMORANDUM AND ORDER

Plaintiff Iowa Network Services, Inc. brings this action against defendant Sprint Communications Company L.P., seeking a declaratory judgment that (1) plaintiff is not an “incumbent local exchange carrier” under the Communications Act of 1934 (“the Act”), 47 U.S.C. §§ 151, *et seq.*; (2) plaintiff is not required to negotiate an interconnection agreement with defendant in lieu of the commercial agreement it has offered defendant pursuant to 47 U.S.C. §§ 251 and 252; and (3) that §§ 251 and 252 of the Act do not confer upon the Iowa Utilities Board jurisdiction to subject plaintiff to compulsory arbitration of such interconnection agreement.

Plaintiff filed a motion for injunctive relief on May 18, 2006. In the motion, plaintiff asks the court to enjoin defendant from commencing an action before the Iowa Utilities Board or any other regulatory body until this court has resolved the issues presented in plaintiff’s complaint. Unbeknownst to plaintiff, defendant had already filed such an action before the Iowa Utilities Board on May 16, 2006.

In conjunction with the motion for injunctive relief, plaintiff also filed Plaintiff Iowa Network

Services, Inc.'s Motion for an Expedited Briefing Schedule with Respect to its Motion for Preliminary Injunction (Doc. 7). Plaintiff asks the court to require defendant to respond to plaintiff's motion for a preliminary injunction by May 22, 2006, and to require plaintiff to file a reply brief by May 24, 2006. For several reasons, the court finds this proposed briefing schedule unworkable and unnecessary. Defendant has already filed an action before the Iowa Utilities Board, and the court's own motions and trial schedule will not accommodate hearing plaintiff's motion until after mid-June. The court also notes from a review of the pleadings in this case that the issues appear complicated, and that requiring defendant to respond so quickly would not serve the ends of justice. It also appears to the court that the Iowa Utilities Board may have an interest in this litigation, and the court finds it appropriate to give the Board ample time to evaluate whether it should take any action.

For these reasons, the court concludes that briefing on this matter should not be expedited. Defendant should file a response on or before June 2, 2006. Plaintiff may reply on or before June 16, 2006. The court will hold a hearing on June 23, 2006 at 9:30 a.m., at which it will likely rule on the motion for a preliminary injunction.

IT IS THEREFORE ORDERED that Plaintiff Iowa Network Services, Inc.'s Motion for an Expedited Briefing Schedule with Respect to its Motion for Preliminary Injunction (Doc. 7) is denied.

Dated this 23rd day of May 2006, at Kansas City, Kansas.

s/ Carlos Murguia _____
CARLOS MURGUIA
United States District Judge