



On February 6, 2002, the Board issued an order docketing the complaint, establishing a procedural schedule, and granting Cox Iowa's motion to stay the imposition of Qwest's LSF.

In the pre-filed testimony submitted by each party, and in the testimony offered at the hearing in this docket, references were made as to the number of customer complaints that were received by the Board, which involved allegations of local slamming. Each party represented a different number of customer complaints and each party asserted they received the numbers from Board staff. Specifically, Cox Iowa's witness, Mr. Robert Logsdon, stated on page five of his pre-filed testimony that "[t]he evidence of local slamming doesn't exist," while Qwest's witness, Scott A. McIntyre, stated on page 21 of his pre-filed testimony that "there were approximately 100 Board-recorded verbal and written 'slamming' complaints specifically in respect to local exchange service." The differences appear to relate to the methods the parties used to elicit the information from the agency.

Iowa Code § 17A.14(4) (2001) provides that official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the agency. The number of slamming complaints involving local telephone service received by the Board since January 1, 2001, is a subject within the specialized knowledge of the Board. Therefore, the Board proposes to take official notice of the number of received local service slamming complaints.

Board staff has performed a thorough search of its electronic databases and manually cross-referenced complaint dockets to compose a complete document

showing the number of slamming complaints involving local service received by the Board since January 1, 2001. The document indicates that 42 complaints have been received and that four telecommunications carriers have been implicated. Of those complaints, 14 have been determined to be instances of local service slamming, 24 have been determined as "no slams," and four remain under investigation. See attached Exhibit A.

Iowa Code § 17A.14(4) also requires that the parties to a proceeding be notified "at the earliest practicable time" of facts proposed to be noticed and that they be given an opportunity to contest the facts before a final decision is announced unless the agency determines that fairness does not require such an opportunity.

Prior to the start of the hearing in this docket, Board Chairman Munns gave notice to all parties that the Board proposed to take official notice of the number of local service slamming complaints, but was unable to do so prior to the hearing because the search and compilation was incomplete at that time. The Board finds that the parties were adequately notified at the earliest practicable time of the facts proposed to be noticed.

The Board finds that the parties shall be afforded an opportunity to contest these facts before briefs are due. Therefore, a modification to the existing procedural schedule is necessary. The Board will establish a deadline for filing objections to these facts. The dates for which post-hearing briefs are to be filed will be extended accordingly.

**IT IS THEREFORE ORDERED:**

1. The Board proposes to take official notice of the information contained in the document titled, "Slamming Complaints Involving Local Dial Tone," attached to this order as Exhibit A.

2. The procedural schedule in this matter is revised as follows:

a. Any party wanting to file an objection to the facts contained in Exhibit A may do so on or before March 13, 2002.

b. In the absence of objection, all information contained in Exhibit A shall become a part of the evidentiary record in this matter.

c. Any party desiring to file a brief may do so on or before March 20, 2002.

All other procedural provisions of the Board's original scheduling order remain the same.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 7<sup>th</sup> day of March, 2002.

Slamming Complaints Involving Local Dial Tone  
2001-2002

		Company Name	Date Received	File Closed Date	C-File No.	Slam/NoSlam	Analyst
1	Local/LD	McLeodUSA	3/6/2001	6/4/2001	C-2001-0117	No Slam	Ellen Sulser
2	Local	New Access Communications LLC	4/20/2001	6/18/2001	C-2001-0193	No Slam	Ellen Sulser
3	Local/LD	New Access Communications LLC	5/1/2001	6/20/2001	C-2001-0216	No Slam	Tara Ganpat-Puffett
4	Local/LD	New Access Communications LLC	5/3/2001	6/6/2001	C-2001-0226	No Slam	Ellen Sulser
5	Local/LD	New Access Communications LLC	5/22/2001	7/5/2001	C-2001-0258	No Slam	Ellen Sulser
6	Local/LD	New Access Communications LLC	5/25/2001	7/26/2001	C-2001-0272	No Slam	Ellen Sulser
7	Local/LD	New Access Communications LLC	6/6/2001	7/13/2001	C-2001-0284	No Slam	Tara Ganpat-Puffett
8	Local/LD	New Access Communications LLC	6/7/2001	8/1/2001	C-2001-0289	No Slam	Ellen Sulser
9	Local/LD	New Access Communications LLC	6/7/2001	7/23/2001	C-2001-0292	No Slam	Rosemary Tate
10	Local/LD	New Access Communications LLC	6/14/2001	8/9/2001	C-2001-0302	No Slam	Ellen Sulser
11	Local/LD	McLeodUSA	6/27/2001	8/8/2001	C-2001-0338	No Slam	Ellen Sulser
12	Local/LD	McLeodUSA	7/11/2001	9/12/2001	C-2001-0366	No Slam	Tara Ganpat-Puffett
13	Local/LD	New Access Communications LLC	7/20/2001	9/26/2001	C-2001-0391	No Slam	Ellen Sulser
14	Local/LD	New Access Communications LLC	8/14/2001	9/26/2001	C-2001-0447	No Slam	Tara Ganpat-Puffett
15	Local/LD	New Access Communications LLC	8/20/2001	10/17/2001	C-2001-0467	No Slam	Ellen Sulser
16	Local/LD	McLeodUSA	8/24/2001	11/19/2001	C-2001-0494	No Slam	Jane Whetstone
17	Local/LD	Qwest Corporation	7/27/2001	11/7/2001	C-2001-0600	No Slam	Tara Ganpat-Puffett
18	Local	Qwest Corporation	10/19/2001	11/27/2001	C-2001-0603	No Slam	Ellen Sulser
19	Local/LD	Choicetel, LLC	10/29/2001	12/11/2001	C-2001-0631	No Slam	Rosemary Tate
20	Local	New Access Communications LLC	10/26/2001	12/20/2001	C-2001-0634	No Slam	Rosemary Tate
21	Local/LD	New Access Communications LLC	1/4/2002	2/7/2002	C-2002-0001	No Slam	Rosemary Tate
22	Local/LD	Choicetel, LLC	1/15/2002	2/13/2002	C-2002-0018	No Slam	Rosemary Tate
23	Local/LD	New Access Communications LLC	1/16/2002	2/26/2002	C-2002-0031	No Slam	Rosemary Tate
23	Local/LD	New Access Communications LLC	1/31/2002	3/8/2002	C-2002-0052	No Slam	Rosemary Tate
24	Local	New Access Communications LLC	4/18/2001	5/29/2001	C-2001-0195	Slam	Ellen Sulser
26	Local	New Access Communications LLC	4/23/2001	5/25/2001	C-2001-0199	Slam	Rosemary Tate
27	Local/LD	New Access Communications LLC	5/17/2001	7/5/2001	C-2001-0250	Slam	Ellen Sulser
28	Local	New Access Communications LLC	5/23/2001	7/10/2001	C-2001-0263	Slam	Rosemary Tate
29	Local/LD	New Access Communications LLC	6/25/2001	8/10/2001	C-2001-0331	Slam	Ellen Sulser
30	Local/LD	McLeodUSA	7/6/2001	8/29/2001	C-2001-0358	Slam	Ellen Sulser
31	Local/LD	New Access Communications LLC	7/31/2001	9/19/2001	C-2001-0414	Slam	Ellen Sulser
32	Local/LD	New Access Communications LLC	7/30/2001	9/12/2001	C-2001-0415	Slam	Rosemary Tate
33	Local/LD	New Access Communications LLC	8/2/2001	9/25/2001	C-2001-0419	Slam	Ellen Sulser
34	Local/LD	McLeodUSA	8/6/2001	10/4/2001	C-2001-0423	Slam	Tara Ganpat-Puffett
35	Local/LD	New Access Communications LLC	11/29/2001	2/11/2002	C-2001-0685	Slam	Ellen Sulser
36	Local/LD	New Access Communications LLC	12/19/2001	1/30/2002	C-2001-0713	Slam	Ellen Sulser
37	Local/LD	New Access Communications LLC	12/28/2001	2/19/2002	C-2001-0721	Slam	Rosemary Tate
38	Local/LD	McLeodUSA	1/7/2001	2/7/2002	C-2002-0006	Slam	Tara Ganpat-Puffett
39	Local/LD	New Access Communications LLC	1/22/2002		C-2002-0032	Still Pending	Jane Whetstone
40	local	New Access Communications LLC	1/25/2002		C-2002-0042	Still Pending	Rosemary Tate
41	Local/LD	New Access Communications LLC	2/21/2002		C-2002-0087	Still Pending	Tara Ganpat-Puffett
42	Local/LD	New Access Communications LLC	2/26/2002		C-2002-0098	Still Pending	Ellen Sulser

42 Total Complaints - 14 Slammed (New Access - 11 & McLeod USA-3) 4 are still pending