

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: IOWA NETWORK SERVICES, INC.	DOCKET NO. SPU-03-11
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ORDER

(Issued December 23, 2003)

On December 18, 2003, OneStar Long Distance, Inc. (OneStar) filed supplementary information requested by the undersigned in the hearing. OneStar filed a statement signed by Ms. Laura Collier, Regulatory Manager for OneStar, in which Ms. Collier stated OneStar would submit a letter to INS in which it would notify INS that OneStar is terminating its services with INS. In addition, Ms. Collier stated that in October 2003, OneStar sent a letter to its Iowa customers notifying them of changes being made to OneStar's network and informing the customers of the need to make a change to their preferred carrier code. A sample copy of the letter was attached as Exhibit A. Ms. Collier stated the letter directly relates to the arrangement that OneStar has made which will allow it to halt the flow of traffic over INS' facilities. She further stated the arrangements have been finalized with INS in that all OneStar disconnection requests have been made. She further stated INS has acknowledged these requests and will process the disconnections December 29, 2003.

Ms. Collier's statement was not in the form of a sworn affidavit nor was it accompanied by a sworn affidavit.

On December 19, 2003, OneStar filed additional supplementary information and a request for confidentiality. The information included a statement by Ms. Collier, in which she stated it is OneStar's belief that the customers appearing on the attached list no longer carry the OneStar preferred carrier code and that the customers have been moved to the preferred carrier code of one of OneStar's underlying carriers. This statement also was not in the form of a sworn affidavit nor was it accompanied by a sworn affidavit.

OneStar is unrepresented by counsel in this proceeding. Ms. Collier, who is not a lawyer, represented OneStar at the hearing and testified on OneStar's behalf. The two filings, in effect, contain unsworn testimony and exhibits that supplement the evidence provided by OneStar at the hearing. The other parties have not had the opportunity to cross-examine Ms. Collier regarding her statements, and they have not had the opportunity to present evidence in rebuttal.

One option to correct this situation would be to hold an additional hearing to receive OneStar's testimony and allow the opportunity for cross-examination and rebuttal evidence. Iowa Code § 17A.14 (2003) provides that evidence may be submitted in verified written form if the hearing will be expedited and the interests of the parties will not be prejudiced substantially. Given the limited nature of the evidence, it does not appear that INS or the Consumer Advocate Division of the

Department of Justice (Consumer Advocate) will be prejudiced if OneStar is allowed to resubmit the evidence in verified written form and INS and the Consumer Advocate are offered the opportunity to file evidence in rebuttal.

IT IS THEREFORE ORDERED:

1. OneStar shall refile the supplementary information filed December 18 and 19, 2003, in the form of a sworn affidavit no later than December 31, 2003. OneStar does not need to refile Exhibit A attached to the December 18 filing or Exhibits A and B attached to the December 19 filing.

2. If INS or the Consumer Advocate objects to proceeding in the manner set forth in this order, they must file such objection on or before December 31, 2003. If INS and the Consumer Advocate wish to file evidence in rebuttal to the supplementary information, they must do so on or before December 31, 2003.

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, 2003.