

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE,</p> <p style="padding-left: 100px;">Complainant,</p> <p style="padding-left: 100px;">vs.</p> <p>SPRINT COMMUNICATIONS COMPANY, L.P.,</p> <p style="padding-left: 100px;">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-03-19</p>
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**ORDER DOCKETING FOR FORMAL PROCEEDING
AND REQUESTING RESPONSE**

(Issued January 8, 2004)

On March 12, 2003, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to impose civil penalties pursuant to Iowa Code § 476.103 (2003), asking that the Board review the proposed resolution issued in C-03-017, involving Sprint Communications Company, L.P. (Sprint), and consider the possibility of assessing a civil penalty pursuant to Iowa Code § 476.103(4)"a." Based upon the record assembled in the informal complaint proceedings (which are a part of the record in this proceeding pursuant to 199 IAC 6.7), it appears the events to date can be summarized as follows:

By letter dated January 10, 2003, Ms. Fikreta Mehmedovic filed a complaint with the Board against Sprint alleging that her subscribed long distance service at her residence had been changed to Sprint without proper authorization. In addition, Ms. Mehmedovic's complaint alleged that the previous long distance company charged a rate of \$.25 per minute for long distance calls to Bosnia, but Sprint was charging \$4.00 to \$5.00 for the same long distance calls. Board staff identified the matter as C-03-017 and, pursuant to Board rules, on January 16, 2003, forwarded the complaint to Sprint for response.

Sprint responded to the complaint on February 10, 2003, stating that its records showed a July 23, 2002, request and a third-party verification was obtained to authenticate the sale. Sprint provided a copy of the third-party verification and stated that it would offer Ms. Mehmedovic an interim credit in the amount of \$700.98 for the first 30 days of billing, pending the Board's ruling.

On February 12, 2003, Board staff forwarded a copy of the third-party verification to Ms. Mehmedovic, asking that she review the tape and respond in writing by February 22, 2003. A response from Ms. Mehmedovic dated February 21, 2003, was received by Board staff on February 25, 2003.

Early on February 25, 2003, Board staff issued a proposed resolution finding that the customer had not disputed the verification and that the Ms. Mehmedovic was responsible for all charges billed to her by Sprint.

Late on February 25, 2003, Board staff received Ms. Mehmedovic's response which asserted that she had intended to contact America Online (AOL) to obtain an internet account and did not know she had signed up for Sprint long distance.

On February 27, 2003, Sprint contacted Ms. Mehmedovic and informed her that the previous interim adjustment of \$700.98 had been returned to her account, but that in a gesture of goodwill, Sprint offered to adjust Ms. Mehmedovic's bill to \$350.49.

On March 5, 2003, Board staff issued a second proposed resolution which rescinded the previous proposed resolution dated February 25, 2005, in light of the additional information provided by Ms. Mehmedovic in her correspondence dated February 21, 2003. The second proposed resolution determined that Ms. Mehmedovic had made an error in switching her long distance service to Sprint and that she had made the long distance calls for which she was charged and proposed that the credit offered by Sprint represented a fair resolution of the situation. No party other than Consumer Advocate has challenged the staff's proposed resolution.

In its March 12, 2003, petition, Consumer Advocate asserts that there was no actual agreement between Mehmedovic and Sprint for long distance telephone service for the terms and costs as claimed by Sprint. In addition, Consumer Advocate asserts that other slamming complaints received by Board staff have named Sprint as the alleged violating company. Consumer Advocate requests that the Board docket this complaint for a formal proceeding and impose civil penalties on Sprint. Sprint has not responded to Consumer Advocate's petition.

The Board has reviewed the record to date as well as the additional slamming complaints made against Sprint and finds that there is sufficient information to warrant further investigation in this matter. The Board recognizes that there has not been any action in this matter for some time. Therefore, the Board will delay establishing a procedural schedule until January 30, 2004, and allow Sprint an opportunity to respond to the allegations raised in Consumer Advocate's petition.

IT IS THEREFORE ORDERED:

1. The "Petition for Proceeding to Impose Civil Penalty" filed by the Consumer Advocate Division of the Department of Justice on March 12, 2003, identified as Docket No. FCU-03-19, is granted and docketed for formal proceeding.
2. Sprint Communications Company, L.P., is requested to file a response to the petition filed by Consumer Advocate on March 12, 2003, on or before January 30, 2004.

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 8th day of January, 2004.