

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE,</p> <p style="text-align:center">Complainant,</p> <p>vs.</p> <p>TWIN CITY CAPITAL, d/b/a SMALL BUSINESS AMERICA,</p> <p style="text-align:center">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-03-54</p>
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**ORDER APPROVING SETTLEMENT AND  
ASSESSING CIVIL PENALTY**

(Issued January 20, 2004)

On December 4, 2003, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a "Petition for Proceeding to Impose Civil Penalties" for alleged slamming violations committed by Twin City Capital, d/b/a Small Business America (Small Business America).

In its petition, Consumer Advocate asserted that a telemarketer for Small Business America falsely claimed to be associated with Qwest Corporation (Qwest) and then switched the complaining customer's account without proper authorization, in violation of Iowa's anti-slamming law, Iowa Code § 476.103 (2003).

On January 14, 2004, the parties to this docket, Consumer Advocate and Small Business America, submitted a joint motion for approval of a settlement. The

settlement agreement addresses all issues in the docket and includes a monetary penalty against Small Business America in the amount of \$500, which is to be paid within 30 days of the date of this order.

The settlement agreement is reasonable in light of the record, is in conformance with all applicable statutes and rules, is in the public interest, and will be approved. 199 IAC 7.2(11).

**IT IS THEREFORE ORDERED:**

1. The "Joint Motion for Approval of Settlement Agreement" filed in this docket on January 14, 2004, is granted, and the "Settlement Agreement" is approved.

2. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed January 14, 2004, Twin City Capital, d/b/a Small Business America is assessed a civil penalty in the amount of \$500. Payment is due within 30 days of the date of this order.

**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 20<sup>th</sup> day of January, 2004.