

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE,</p> <p style="padding-left: 40px;">Complainant,</p> <p style="padding-left: 40px;">vs.</p> <p>QWEST CORPORATION,</p> <p style="padding-left: 40px;">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-03-12</p>
---	---

ORDER ASSIGNING TO ADMINISTRATIVE LAW JUDGE

(Issued January 30, 2004)

On February 7, 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 against Qwest Corporation (Qwest) pursuant to Iowa Code § 476.103 (2003), for an alleged cramming violation of the Board's cramming rules.

On February 27, 2003, Qwest filed a response and a motion to dismiss Consumer Advocate's petition.

On January 8, 2004, the Board issued an order docketing Consumer Advocate's petition as a formal proceeding, identified as Docket No. FCU-03-12, denying Qwest's motion to dismiss the petition, and requesting a status report from the parties.

On January 26, 2004, the parties filed a joint status report stating that they adhere to their previously stated positions.

The Board finds that the status report submitted by Consumer Advocate and Qwest is inadequate. The report did not inform the Board of the status of any negotiations between the parties nor did it reflect the status of any information exchanged by the parties regarding this matter.

In its January 8, 2004, order, the Board determined that there is sufficient information to warrant further investigation in this matter. Since the parties have not provided any additional information in this case, pursuant to Iowa Code § 17A.11(1)"b" (2003) and 199 IAC 7.1(4), the Board will assign this matter to an administrative law judge (ALJ) for further proceedings. The ALJ will, among other things, set a hearing date, preside at hearing, and issue a proposed decision.

IT IS THEREFORE ORDERED:

Pursuant to Iowa Code § 17A.11(1)"b" and 199 IAC 7.1(4), this docket is assigned to the Board's administrative law judge, Amy Christensen, to conduct a hearing and issue a proposed decision. The administrative law judge shall have the authority provided under 199 IAC 7.1(4)"a" through "j."

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 30th day of January, 2004.