

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE,</p> <p style="text-align:center">Complainant,</p> <p style="text-align:center">vs.</p> <p>SPRINT COMMUNICATIONS COMPANY, L.P.,</p> <p style="text-align:center">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-03-19</p>
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ORDER ASSIGNING TO ADMINISTRATIVE LAW JUDGE

(Issued February 13, 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 against Sprint Communications Company, L.P. (Sprint), pursuant to Iowa Code § 476.103 (2003), for an alleged violation of the Board's slamming rules.

On January 8, 2004, the Board issued an order docketing Consumer Advocate's petition as a formal proceeding, identified as Docket No. FCU-03-19, and requesting that Sprint respond to the allegations raised in Consumer Advocate's petition.

On January 30, 2004, Sprint filed its response to Consumer Advocate's petition stating that the customer knowingly and voluntarily signed up for Sprint's services after signing up for Internet service with America Online (AOL), however the customer was enrolled only in a domestic calling plan and not in an international calling plan. Sprint further stated that the customer's outstanding balance in the amount of \$366.24 was written off to an outside debt collection agency on July 17, 2003, for nonpayment. However, Sprint stated that due to the Board's January 8, 2004, order, Sprint voluntarily suppressed the collection efforts and issued a full credit to the customer's bill. Consumer Advocate has not replied to Sprint's response.

In its January 8, 2004, order, the Board determined that there is sufficient information to warrant further investigation in this matter. 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/ Sharon Mayer
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 13th day of February, 2004.