

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>SPRINT COMMUNICATIONS COMPANY, L.P.,</p> <p style="text-align:center">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-04-3</p>
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**ORDER DOCKETING FOR FORMAL PROCEEDING  
AND REQUESTING RESPONSE**

(Issued February 13, 2004)

On January 20, 2004, 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-03-261, 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:

On December 8, 2003, Mr. Charles Evans filed a complaint with the Board alleging that he was induced to switch his local and long distance telephone service from Qwest Corporation (Qwest) to Sprint by a telemarketer who represented that the rates for Mr. Evans' two home telephone lines would be the same as or less than the rates he was paying with Qwest. Mr. Evans alleged that based on this offer, he switched his long distance service to Sprint, but Sprint did not make good on the offer. Board staff identified the matter as C-03-261 and, pursuant to Board rules, on December 9, 2003, forwarded the complaint to Sprint for response.

Sprint responded on December 31, 2003, stating that it had contacted Mr. Evans and worked out a resolution to Mr. Evans' satisfaction. Sprint also stated that a full credit was issued to Mr. Evans' account and that Mr. Evans' account with Sprint had been closed.

On January 6, 2004, Board staff issued a letter describing these events and a conversation with Mr. Evans, who indicated he was satisfied with the credit. No party other than Consumer Advocate has challenged the proposed resolution.

In its January 20, 2004, petition, Consumer Advocate asserts that a civil penalty should be imposed against Sprint to deter future cramming violations. Sprint has not responded to Consumer Advocate's petition.

The Board has reviewed the record to date and finds that there is sufficient information to warrant further investigation in this matter. The Board will delay

establishing a procedural schedule until March 29, 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 January 20, 2004, identified as Docket No. FCU-04-3, is granted and docketed for formal proceeding.

2. Sprint Communications Company, L.P., is directed to file a response to Consumer Advocate's petition on or before March 29, 2004.

**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 13<sup>th</sup> day of February, 2004.