

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>LCR COMMUNICATIONS, L.L.C.,</p> <p style="text-align:center">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-04-4</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-03-272, involving LCR Communications, L.L.C. (LCR), 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 18, 2003, Mr. Greg Kann of Gazette Communications (Gazette) filed a complaint with the Board alleging that Gazette's long distance telephone service had been switched to LCR without proper authorization. Board staff identified the matter as C-03-272 and, pursuant to Board rules, on December 19, 2003, forwarded the complaint to LCR for response within ten days. LCR did not respond to Mr. Kann's complaint within the ten-day time limit.

On January 6, 2004, Board staff issued a proposed resolution describing these events and finding by default that LCR had violated the Board's slamming rules. The proposed resolution directed LCR to fully credit all charges on Gazette's account and to close Gazette's account. No party other than Consumer Advocate has challenged the staff's proposed resolution.

In its January 20, 2004, petition, Consumer Advocate asserts that a civil penalty should be imposed against LCR to deter future slamming violations. In addition, Consumer Advocate asserts that other slamming complaints received by Board staff have named LCR as the alleged violating company. Consumer Advocate requests that the Board docket this complaint for a formal proceeding.

The Board has reviewed the record to date as well as the additional slamming complaints made against LCR and finds that there is sufficient information to warrant further investigation in this matter. The Board will delay establishing a procedural schedule until April 5, 2004, and allow LCR 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-04-4, is granted and docketed for formal proceeding.

2. LCR Communications, L.L.C., is directed to file a response to Consumer Advocate's petition on or before April 5, 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 13th day of February, 2004.