

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE,</p> <p style="padding-left: 100px;">Complainant,</p> <p style="padding-left: 40px;">vs.</p> <p>ORBIT TELECOM,</p> <p style="padding-left: 100px;">Respondent.</p>	<p>DOCKET NO. FCU-05-9</p>
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**ORDER DOCKETING FOR FORMAL PROCEEDING,
APPROVING SETTLEMENT AGREEMENT, AND
ASSESSING CIVIL PENALTY**

(Issued March 4, 2005)

On February 16, 2005, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to consider a civil penalty for an alleged cramming violation committed by Orbit Telecom (Orbit).

Consumer Advocate asserts that Orbit placed unauthorized charges on the telephone bill of the complaining customer's employer in violation of Iowa's law against cramming, Iowa Code § 476.103 (2005). The complaint was identified as Docket No. FCU-05-9.

On March 2, 2005, Consumer Advocate and Orbit submitted a joint motion for approval of the settlement agreement contained in the motion. The settlement

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

The Board has reviewed the record to date and will docket File C-05-17 for formal proceedings, identified as Docket No. FCU-05-9. The Board also has reviewed the settlement agreement and will approve it. The settlement agreement is reasonable in light of the record, conforms with all applicable statutes and rules, and is in the public interest. 199 IAC 7.2(11).

IT IS THEREFORE ORDERED:

1. The "Petition for Proceeding to Consider Civil Penalty" filed by the Consumer Advocate Division of the Department of Justice on February 16, 2005, is granted. File C-05-17 is docketed for formal proceedings identified as Docket No. FCU-05-9.
2. The "Joint Motion for Approval of Settlement Agreement" filed in this docket on March 2, 2005, is approved.
3. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed March 2, 2005, Orbit Telecom is assessed a civil penalty in the amount of \$500. Payment, in the form of a check made payable to the Iowa Utilities Board, should be forwarded to the Executive Secretary of the Iowa Utilities board at 350 Maple Street,

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Des Moines, Iowa 50319-0069. Payment is due within 30 days of the date of this order. The docket number listed on this order shall be listed on the check or in the accompanying correspondence.

UTILITIES BOARD

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 4th day of March, 2005.