

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>ONE CALL COMMUNICATIONS, INC., TELISS BILLING, ONE WEB DIRECT BILL, and PREMIER PREMIUM COMMUNICATIONS,</p> <p style="text-align: center;">Respondents.</p>	<p style="text-align: right;">DOCKET NOS. FCU-04-64, FCU-05-1, FCU-05-3, FCU-05-6</p>
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**ORDER DOCKETING FOR FORMAL PROCEEDING, SETTING DEADLINE FOR
RESPONSE, APPROVING SETTLEMENT AGREEMENT,
AND ASSESSING CIVIL PENALTY**

(Issued March 17, 2005)

On December 28, 2004, and January 6, 2005, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) petitions for proceedings to consider civil penalties for alleged cramming violations committed by One Call Communications, Inc. (One Call), Telliss Billing (Telliss), and One Web Direct Bill (One Web). On February 2, 2005, Consumer Advocate filed with the Board a petition for a proceeding to consider civil penalties for alleged cramming violations committed by One Call and Telliss. On February 8, 2005, Consumer Advocate filed with the Board a petition for proceeding

to consider civil penalties for alleged cramming violations committed by Telliss and Premier Premium Communications (Premier). In previous orders, the Board has consolidated and docketed the complaints against One Call, Telliss, and One Web, identified as Docket Nos. FCU-04-64, FCU-05-1, and FCU-05-3.

On December 13, 2004, Sally Ellis of Davenport, Iowa, submitted a complaint to the Board alleging that her local telephone bill included charges for a long distance call to the United Kingdom that she did not make or authorize. Ms. Ellis stated that she had a long distance block on her telephone line. Board staff identified the matter as C-04-271 and forwarded the complaint to Telliss and Premier for their response. Telliss responded to the complaint. Premier did not respond to the complaint. On January 26, 2005, Board staff issued a proposed resolution concluding that the disputed charges were the result of cramming.

In its February 8, 2005, petition, Consumer Advocate asserts the proposed resolution should be augmented with civil penalties because they are necessary to ensure compliance and deter future violations. Telliss has responded to Consumer Advocate's petition. Premier has not responded to Consumer Advocate's petition.

On March 1, 2005, Consumer Advocate and Telliss submitted a joint motion for approval of a settlement agreement contained in the motion. The settlement agreement addresses the issues involving Telliss and includes a monetary penalty against Telliss in the amount of \$1,500, which is to be paid within 30 days of the date of this order.

The Board has reviewed the record in file C-04-271 to date and finds there is sufficient information to warrant further investigation into this matter. The Board will docket C-04-271 for formal proceedings, identified as Docket No. FCU-05-6, and will allow Premier an opportunity to respond to the allegations raised in Consumer Advocate's petition.

The Board has reviewed the settlement agreement between Consumer Advocate and Telliss Billing 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 8, 2005, is granted. File C-04-271 is docketed for formal proceedings identified as Docket No. FCU-05-6.
2. Premier Premium Communications is directed to file a response to Consumer Advocate's February 8, 2005, petition on or before April 15, 2005.
3. The "Joint Motion for Approval of Settlement Agreement" filed in this docket by Consumer Advocate and Telliss Billing on March 1, 2005, is granted.
4. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed March 1, 2005, Telliss Billing is assessed a civil penalty in the amount of \$1,500. Payment, in the form of a check made payable to the Iowa Utilities Board, should be

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forwarded to the Executive Secretary of the Iowa Utilities Board at 350 Maple Street,
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/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Margaret Munson
Executive Secretary, Deputy

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 17th day of March, 2005.