

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: 100px;">vs.</p> <p>WEBXITES, LP,</p> <p style="padding-left: 100px;">Respondent.</p>	<p style="text-align:right">DOCKET NOS. FCU-05-7 FCU-05-20</p>
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**ORDER DOCKETING FOR FORMAL PROCEEDING,
APPROVING SETTLEMENT AGREEMENT, AND ASSESSING CIVIL PENALTY**

(Issued April 8, 2005)

On February 11 and March 24, 2005, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) two petitions for proceedings to consider civil penalties for alleged cramming violations committed by WebXites, LP (WebXites). The petitions arose from informal complaint proceedings identified as Files C-05-6 and C-05-36. Consumer Advocate asserts that WebXites placed unauthorized charges on the complaining consumers' local telephone bills in violation of Iowa's law against cramming, Iowa Code § 476.103 (2005).

In an order issued March 18, 2005, the Board docketed File C-05-6 for formal proceedings identified as Docket No. FCU-05-7. The Board has now reviewed the

record to date and will also docket File C-05-36 for formal proceedings identified as Docket No. FCU-05-20.

On April 1, 2005, Consumer Advocate and WebXites filed a joint motion for approval of a settlement agreement contained in the motion. The settlement agreement addresses all issues in both of these dockets and includes a monetary penalty against WebXites in the total amount of \$500, which is to be paid within 30 days of the date of this order.

The Board 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 March 24, 2005, is granted. File C-05-36 is docketed for formal proceedings identified as Docket No. FCU-05-20.
2. The "Joint Motion for Approval of Settlement Agreement" filed in these dockets on April 1, 2005, is approved.
3. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed in these dockets on April 1, 2005, WebXites, LP is assessed a civil penalty in the total 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

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350 Maple Street, Des Moines, Iowa 50319-0069. Payment is due within 30 days of the date of this order. The docket numbers 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/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 8th day of April 2005.