STATE OF IOWA

DEPARTMENT OF COMMERCE

UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. INTEGRETEL, INC., Respondent.	DOCKET NO. FCU-05-11

ORDER DOCKETING FOR FORMAL PROCEEDING AND SETTING DEADLINE FOR RESPONSE

(Issued April 12, 2005)

On March 2, 2005, pursuant to Iowa Code §§ 476.103 and 476.3, 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 Integretel, Inc. (Integretel). Based upon the record assembled in the informal complaint proceedings, the events to date can be summarized as follows:

On January 31, 2005, the Board received a complaint from Rhonda Miller of Burlington, Iowa, disputing charges appearing on her local telephone bill for a call to a 900 number. Ms. Miller stated that the call was unauthorized and initiated when a spyware program which she was not aware of launched a dialer to call the number.

Board staff identified the matter as C-05-20 and, pursuant to Board rules, on February 1, 2005, forwarded the complaint to Integretel for response within ten days. Integretel filed its response on February 15, 2005, stating that it provides billing and collection services for the telecommunications industry, including billing for long distance, operator, fax, calling card, and Internet services. Integretel stated that the disputed charges were incurred by someone with access to the billed number who downloaded and installed a software program from the Internet and that the "900 data call" provided access to a variety of information services which are billed directly to the customer's telephone bill. Integretel noted that it issued a one-time courtesy credit of $27.93 plus tax.

In its March 2, 2005, petition, Consumer Advocate asserts the proposed resolution should be augmented with a civil penalty because credits alone will not stop the unlawful practice of cramming. Consumer Advocate argues that civil penalties are necessary to ensure compliance and deter future violations. Integretel has not responded to Consumer Advocate's petition.

The Board has reviewed the record to date and finds there is sufficient information to warrant further investigation into this matter. The Board will delay establishing a procedural schedule and allow Integretel an opportunity to respond to the allegations raised in Consumer Advocate's petition.

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 2, 2005, is granted. File C-05-20 is docketed for formal proceedings, identified as Docket No. FCU-05-11.

2. Integretel, Inc., is directed to file a response to Consumer Advocate's petition on or before May 6, 2005.

UTILITIES BOARD

/s/ John R. Norris

/s/ Elliott Smith

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 12th day of April 2005.