



the new long distance provider, for response within ten days. America Net did not respond to the complaint.

On March 4, 2005, Board staff issued a proposed resolution finding America Net in violation of Board rules by default.

In its March 9, 2005, petition, Consumer Advocate asserts the proposed resolution should be expanded to clarify that companies cannot escape civil penalties by ignoring allegations of violation. Consumer Advocate argues that civil penalties are necessary because they will deter future violations and credits alone will not stop the unlawful practice of slamming.

On March 14, 2005, the Board received a response from America Net. Attached to the response was a recording of a third-party verification that America Net claims to prove that an individual named Gene Anderson authorized the change of provider for Cheyenne Camping Center. America Net also states that it closed the account and issued a full credit of \$158.13 as of March 11, 2005.

The Board has reviewed the record to date and finds there is sufficient information to warrant further investigation into this matter. America Net has now submitted information that may be useful in determining whether the disputed change in provider was properly authorized, but has not yet directly responded to Consumer Advocate's petition. The Board will docket this matter for formal proceeding, but will delay establishing a procedural schedule to allow America Net an opportunity to respond to the allegations raised in Consumer Advocate's petition.

The Board cautions America Net that failure to respond to Board inquiries and orders is a serious violation. The degree to which a party participates in the Board's investigation of informal complaints and responds to Board orders is an important factor in determining the size of the penalty for any violation. The Board urges America Net to respond to this and future Board orders and inquiries on a timely basis.

**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 9, 2005, is granted. File C-05-13 is docketed for formal proceedings, identified as Docket No. FCU-05-14.

2. America Net, L.L.C., is directed to file a response to Consumer Advocate's petition on or before May 16, 2005.

**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 22<sup>nd</sup> day of April, 2005.