

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>ACCESS ONE COMMUNICATIONS,</p> <p style="padding-left: 100px;">Respondent.</p>	<p style="text-align:right">DOCKET NOS. FCU-05-26 FCU-05-32 FCU-05-33</p>
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**ORDER DOCKETING FOR FORMAL PROCEEDING,
APPROVING SETTLEMENT AGREEMENT, AND
ASSESSING CIVIL PENALTY**

(Issued May 24, 2005)

On April 19, April 28, and May 4, 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 Access One Communications (Access One). The petitions arose from informal complaint proceedings identified as C-05-42, C-05-43, and C-05-51. Consumer Advocate asserts that Access One placed unauthorized charges on the complaining consumers' telephone bills in violation of Iowa's law against cramming, Iowa Code § 476.103 (2005).

The Board has reviewed the record to date and will docket C-05-42, C-05-43, and C-05-51 for formal proceedings identified as Docket Nos. FCU-05-26, FCU-05-32, and FCU-05-33.

On May 13, 2005, Consumer Advocate and Access One filed a joint motion for approval of a settlement agreement contained in the motion. The settlement agreement addresses the issues in all three dockets and includes a monetary penalty against Access One in the total amount of \$1,250, 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 petitions for proceedings to consider civil penalties filed by the Consumer Advocate Division of the Department of Justice on April 19, April 28, and May 4, 2005, are granted. Files C-05-42, C-05-43, and C-05-51 are docketed for formal proceedings identified as Docket Nos. FCU-05-26, FCU-05-32, and FCU-05-33.
2. The "Joint Motion for Approval of Settlement Agreement" filed in these dockets on May 13, 2005, is approved.
3. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed in these dockets on May 13, 2005, Access One Communications is assessed a civil

penalty in the total amount of \$1,250. 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, 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 24th day of May, 2005.