

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE,</p> <p style="padding-left: 40px;">Complainant,</p> <p style="padding-left: 40px;">vs.</p> <p>WEBXITES, LP,</p> <p style="padding-left: 40px;">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-05-37</p>
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**ORDER DOCKETING FOR FORMAL PROCEEDING,  
APPROVING SETTLEMENT AGREEMENT, AND  
ASSESSING CIVIL PENALTY**

(Issued June 13, 2005)

On May 24, 2005, 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 WebXites, LP (WebXites). The petition arose from an informal complaint proceeding identified as File C-05-69. Consumer Advocate asserts that WebXites placed unauthorized charges on the complaining consumer's telephone bill in violation of Iowa's law against cramming, Iowa Code § 476.103 (2005).

The Board has reviewed the record to date and will docket File C-05-69 for formal proceedings identified as Docket No. FCU-05-37.

On May 26, 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 the docket 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 a civil penalty filed by the Consumer Advocate Division of the Department of Justice on May 24, 2005, is granted. File C-05-69 is docketed for formal proceedings, identified as Docket No. FCU-05-37.
2. The "Joint Motion for Approval of Settlement Agreement" filed in this docket on May 26, 2005, is approved.
3. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed in this docket on May 26, 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 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/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 13<sup>th</sup> day of June, 2005.