

Board staff identified the matter as C-05-246 and, on December 16, 2005, forwarded the complaint to NET for response. NET did not respond within the required ten days.

On January 13, 2006, Board staff issued a proposed resolution finding that because the company failed to respond to the complaint within the required time period, it was in violation of the Board's rules. Staff directed the company to close the account and credit all charges.

On January 19, 2006, the Board received a response from NET stating the change in service was due to a data entry error and that a full credit had been issued.

In its January 23, 2006, petition, Consumer Advocate argues the proposed resolution should be augmented with a civil penalty. Consumer Advocate asserts a civil penalty is necessary to deter future violations and because a credit alone will not stop the unlawful practice of slamming. NET has not responded to Consumer Advocate's petition.

The Board has reviewed the record to date and finds there are reasonable grounds to warrant further investigation of this matter. The Board will grant Consumer Advocate's petition for proceeding to consider a civil penalty but will delay establishing a procedural schedule to allow NET an opportunity to respond to 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 January 23, 2006, is granted. File C-05-246 is docketed for formal proceeding, identified as Docket No. FCU-06-16.

2. Network Enhanced Technologies, Inc., is directed to file a response to Consumer Advocate's petition within 30 days of the date of this order.

UTILITIES BOARD

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 28th day of February, 2006.