

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: 100px;">vs.</p> <p>TELSEVEN, L.L.C.,</p> <p style="padding-left: 100px;">Respondent.</p>	<p style="text-align:right">DOCKET NOS. FCU-06-12 FCU-06-18 C-06-47</p>
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**ORDER APPROVING SETTLEMENT AGREEMENT AND  
ASSESSING CIVIL PENALTY**

(Issued March 16, 2006)

On January 17 and 24, 2006, 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 Telseven, L.L.C. (Telseven). The petitions arose from informal complaint proceedings identified as Files C-05-238 and C-06-2. In the petitions, Consumer Advocate asserts that Telseven placed unauthorized charges on the complaining customers' telephone bills in violation of Iowa's law against cramming, Iowa Code § 476.103 (2005). Telseven was also named in another informal complaint involving an allegation of cramming, identified as File No. C-06-47.

On March 10, 2006, Consumer Advocate and Telseven filed a joint motion for approval of a settlement agreement contained in the motion. In addition to Docket Nos. FCU-06-12 and FCU-06-18 and File No. C-06-47, the settlement agreement applies to Docket No. FCU-05-52, another matter involving Consumer Advocate and Telseven which was assigned to the Board's administrative law judge (ALJ) for further proceedings. The ALJ addressed the settlement of and penalty in Docket No. FCU-05-52 in an order issued March 14, 2006.

The settlement agreement addresses all issues in Docket Nos. FCU-06-12 and FCU-06-18 and File No. C-06-47, and includes a monetary penalty against Telseven in the total amount of \$1,000, 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 7.18.

**IT IS THEREFORE ORDERED:**

1. The "Joint Motion for Approval of Settlement Agreement" filed in these dockets on March 10, 2006, is approved.
2. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed in these dockets on March 10, 2006, Telseven, L.L.C., is assessed a civil penalty in the total amount of \$1,000. Payment, in the form of a check made payable to the Iowa Utilities Board, should be forwarded to the Executive Secretary of the Iowa

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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/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 16<sup>th</sup> day of March, 2006.