

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE,</p> <p style="text-align:center">Complainant,</p> <p style="text-align:center">vs.</p> <p>ONE CALL COMMUNICATIONS, INC.,</p> <p style="text-align:center">Respondent.</p>	<p>DOCKET NOS. FCU-05-73 FCU-05-74 FCU-06-13</p>
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**ORDER DELAYING PAYMENT OF DIRECT ASSESSMENTS**

(Issued April 18, 2006)

On April 12, 2006, the Utilities Board (Board) issued an order in Docket Nos. FCU-04-54, *et al.*, delaying payment of direct assessments that have been, and will be, sent by the Board to One Call Communications, Inc. (One Call), for costs associated with those dockets. The Board determined that it was appropriate to delay payment of the direct assessments because One Call has brought an action in federal district court seeking a declaratory ruling that the Board does not have jurisdiction over the types of calls involved in Docket Nos. FCU-04-54, *et al.* The Board ruled that until the question of the agency's jurisdiction is resolved, the Board will not require payment of direct assessments in those dockets.

Docket Nos. FCU-05-74 and FCU-06-13 also involve One Call and similar issues. Docket No. FCU-05-73 involved One Call and has been closed. The Board believes that the rationale for delaying payment of direct assessments in Docket Nos.

FCU-04-54, *et al.*, applies with equal force to any direct assessments that have been or may be issued in Docket Nos. FCU-05-73, FCU-05-74, and FCU-06-13.

Until the question of the Board's jurisdiction over the types of complaints involved in these One Call dockets is resolved, the Board will not require payment of assessments in these dockets, although it will continue to send assessment notices for accounting purposes. When the question of the Board's jurisdiction over the types of calls involved in these complaints is resolved, the Board will reconsider whether One Call must pay the direct assessments for the costs of these proceedings pursuant to Iowa Code § 476.10 and 199 IAC 17.4(4). The Board will then notify One Call whether it must pay the assessments.

**IT IS THEREFORE ORDERED:**

Payment of direct assessments to One Call Communications, Inc., for costs in Board Docket Nos. FCU-05-73, FCU-05-74, and FCU-06-13 is delayed until further action of the Board.

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

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Dated at Des Moines, Iowa, this 18<sup>th</sup> day of April, 2006.