

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE, Complainant,</p> <p>vs.</p> <p>ONE CALL COMMUNICATIONS, INC., Respondent.</p>	<p>DOCKET NO. FCU-06-41</p>
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**ORDER DELAYING DOCKETING OF PETITION AND  
REQUIRING STATUS REPORTS**

(Issued June 9, 2006)

On May 2, 2006, pursuant to Iowa Code §§ 476.3 and 476.103, 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 One Call Communications, Inc. (One Call).

One Call is a party in three other proceedings, Docket Nos. FCU-04-54 *et al.*, FCU-05-74, and FCU-06-13, brought by Consumer Advocate involving similar allegations of cramming violations. The Board has assigned those cases to its administrative law judge (ALJ). Through filings made in those cases, the Board has learned that a receivership proceeding has been commenced by one of One Call's

secured creditors in the United States District Court for the Southern District of Indiana, Indianapolis Division.

On May 26, 2006, Consumer Advocate filed a statement with the Board indicating that Consumer Advocate believes it is entitled to pursue its actions against One Call notwithstanding the receivership proceeding, but it will nonetheless comply with the provision of the receivership order enjoining all persons from continuing any suit or proceeding against One Call except before the receivership court. Consumer Advocate states that it intends to withdraw the petitions in these dockets, including the petition filed in this matter, if and when the liquidation of One Call's assets is completed.

On June 1, 2006, the Board's ALJ issued an order suspending the procedural schedules and canceling the hearings in Docket Nos. FCU-04-54 *et al.*, FCU-05-74, and FCU-06-13. The ALJ's order did not address the petition filed by Consumer Advocate in this matter as it had not yet been considered or assigned by the Board.

Because Consumer Advocate may ultimately withdraw the petition it filed in this matter upon conclusion of the receivership proceeding, the Board will not docket Consumer Advocate's petition for formal proceeding at this time. The Board asks the parties to file status reports at the conclusion of the receivership proceeding or in December of this year, whichever comes first. One Call shall file a statement indicating the status or final outcome of the receivership proceeding, and Consumer Advocate shall indicate, based on the One Call filing, whether it intends to pursue or

withdraw the petition for proceeding to consider civil penalty. Upon receipt of the status reports, the Board will take appropriate action in this case.

**IT IS THEREFORE ORDERED:**

One Call Communications, Inc., shall file a status report upon the earlier of:  
(1) the conclusion of the federal receivership action against One Call Communications, Inc., or (2) December 1, 2006, whichever is earlier. The Consumer Advocate Division of the Department of Justice shall file a response to One Call's report within two weeks after One Call's report is filed.

**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 9<sup>th</sup> day of June, 2006.