

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<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>EVERCOM SYSTEMS, INC.,</p> <p style="text-align:center">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-06-40</p>
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**ORDER SETTING PREHEARING CONFERENCE AND
DISCOVERY MOTION DEADLINES**

(Issued August 16, 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 Evercom Systems, Inc. (Evercom). On July 13, 2006, the Board assigned this case to the undersigned administrative law judge.

On July 21, 2006, the parties contacted the undersigned by electronic mail and requested a short period of time to conduct discovery before a procedural schedule was set in the case.¹ The undersigned responded, indicated a willingness to wait for

¹ The electronic mail stated that Ms. Krista Tanner had been retained to represent Evercom. Ms. Tanner should file an appearance with the Board as soon as possible. 199 IAC 7.4(7).

a relatively short period of time before issuing a procedural order and told the parties to provide a status report by August 15, 2006. On August 15, 2006, the parties provided a status report by electronic mail. In the status report, the parties stated they are working on discovery and a protective agreement. The parties suggested that a prehearing conference be scheduled in approximately one month, and stated they hoped to have a better understanding of the status of discovery by that time. Copies of this electronic correspondence have been placed in the Board's Records and Information Center file in the case.

It is reasonable to grant some delay to allow the parties the opportunity to exchange discovery and resolve any existing discovery-related issues, hopefully without the involvement of the undersigned. However, this period should not be as open-ended as requested by the parties.

The undersigned expects the parties to exchange discovery requests and provide answers in an expeditious manner and resolve any issues associated with that discovery prior to the prehearing conference. Therefore, the undersigned will grant the request for a prehearing conference, but will set deadlines by which any motions related to the current round of discovery must be filed so that the issues may be resolved prior to the prehearing conference.

Final discovery deadlines will be established at the prehearing conference.

In addition, following the prehearing conference, the undersigned will issue an order establishing a procedural schedule and setting a hearing. This order will

contain the following procedural schedule unless the parties provide compelling reasons that they cannot comply with the schedule in motions filed prior to the prehearing conference. The Consumer Advocate's prefiled testimony and brief will be due October 13, 2006. Evercom's testimony and brief will be due October 27, 2006. The Consumer Advocate's rebuttal testimony, if any, will be due November 7, 2006. The hearing will be held on November 16, 2006.

IT IS THEREFORE ORDERED:

1. The parties must file any necessary motions regarding the current round of discovery as soon as it becomes apparent they are needed and in no case later than September 14, 2006.
2. The parties must file any responses to these motions regarding discovery within ten days of the filing of the motion in compliance with 199 IAC 7.15 and in no case later than September 25, 2006.
3. If a party cannot comply with the procedural schedule discussed in the body of this order, the party must file an appropriate motion stating reasons and a proposed alternative schedule on or before September 29, 2006.
4. A prehearing conference will be held on Tuesday, October 3, 2006, beginning at 9:30 a.m., in Board Conference Room 2, 350 Maple Street, Des Moines, Iowa. Final discovery deadlines will be established at the prehearing conference. An

order establishing a procedural schedule and hearing date as discussed in the body of this order will be issued following the prehearing conference.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 16th day of August, 2006.