

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE,</p> <p style="padding-left: 40px;">Complainant,</p> <p style="text-align:center">vs.</p> <p>EVERCOM SYSTEMS, INC.,</p> <p style="padding-left: 40px;">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-06-40</p>
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**ORDER MODIFYING PROCEDURAL SCHEDULE**

(Issued January 4, 2007)

On December 18, 2006, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a request to modify the procedural schedule by moving all remaining dates back 90 days. The Consumer Advocate argued good cause existed for the extension because Evercom Systems, Inc. (Evercom) had not filed complete responses to data requests, it needed additional time to review the responses provided, and other extraordinary matters had drawn the Consumer Advocate's resources away from this case.

On January 2, 2007, Evercom filed a response to the Consumer Advocate's request. Evercom stated it had no position with regard to the request to extend all dates by 90 days. However, Evercom argued, it had attempted to work out discovery issues and the Consumer Advocate had not responded. Furthermore, Evercom

argued, there are no real discovery disputes and Evercom has responded to the Consumer Advocate's data requests. Evercom requested that if the Consumer Advocate's request is granted, the extension should be permitted only to allow the parties to resolve existing discovery issues and that the Consumer Advocate not be permitted to extend discovery beyond the parameters agreed to at the October 3, 2006, prehearing conference.

Since Evercom has not resisted the Consumer Advocate's request for an extension, the undersigned will grant the request. By granting the request, this does not mean that the scope of discovery may be extended beyond the parameters agreed to at the October 3, 2006, prehearing conference. It appears that the Consumer Advocate needs additional time to review discovery received and that the parties may have minor discovery issues to work out between them. The parties have the obligation to work out discovery disputes in good faith without the involvement of the Board and the undersigned. 199 IAC 7.15.

**IT IS THEREFORE ORDERED:**

1. All deadlines set forth in the Procedural Order and Notice of Hearing issued October 4, 2006, and in the Revised Procedural Order and Notice of Hearing issued October 17, 2006, are moved back 90 days.
2. A hearing for the presentation of evidence and the cross-examination of witnesses will be held in the Board Hearing Room, 350 Maple Street, Des Moines, Iowa, on Tuesday, June 12, 2007, beginning at 9 a.m.

3. All portions of the Procedural Order and Notice of Hearing issued October 4, 2006, and of the Revised Procedural Order and Notice of Hearing issued October 17, 2006, not specifically modified by this order remain in effect.

**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 4<sup>th</sup> day of January, 2007.