

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. ONE CALL COMMUNICATIONS, INC., Respondent.	DOCKET NOS. FCU-04-54 FCU-04-63 FCU-04-64 FCU-05-1 FCU-05-3 FCU-05-8 FCU-05-12 FCU-05-15 FCU-05-24 FCU-05-25 FCU-05-43 FCU-05-45 FCU-05-74 FCU-06-13
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ORDER REQUIRING RESPONSES

(Issued February 13, 2007)

On May 8, 2006, One Call Communications, Inc. (One Call) filed an "Attorney Statement" with the Utilities Board (Board) that stated: "On May 8, 2006, the undersigned attorneys were instructed by One Call Communications, Inc., to cease all work related to the above captioned matter." The statement was signed by One Call's attorney, Ms. Krista Tanner, and also listed attorney Mr. Phil Stoffregen as an attorney for One Call.

On May 10, 2006, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a "Motion for Order Directing Respondent to Provide Appropriate Contact Person and Request for Expedited Relief" with the

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Board. The Consumer Advocate moved "for an order requiring One Call within three days to advise OCA of an appropriate contact person for purposes of further processing of the cases or, in the alternative, to advise OCA and the ALJ how One Call intends to proceed with these cases."

On May 19, 2006, One Call filed a statement enclosing an order issued May 12, 2006, by U.S. District Court Judge Tinder in the U.S. District Court for the Southern District of Indiana, Indianapolis Division (Federal Order), in Civil Action No.: 1:06-cv-0755-JDT-TAB. In the Federal Order, Judge Tinder found that One Call was in default on a debt, was operating at a loss and unable to meet its current obligations, and had dismissed its employees. The Federal Order appointed a receiver for One Call "to preserve its assets and to liquidate the same in an orderly manner." Among other things, paragraph 28 of the Federal Order enjoined the commencement, prosecution, continuation, or enforcement of any suit or proceeding against One Call. One Call filed its statement with respect to all the dockets listed above and Docket No. FCU-06-41.

On May 26, 2006, the Consumer Advocate filed a "Statement of Position in Response to Indiana Receivership Order." The Consumer Advocate argued that these proceedings could go forward pursuant to Iowa's police and regulatory powers. However, the Consumer Advocate stated, it was evident One Call had ceased operations and the purpose of the receivership was to liquidate One Call's assets. The Consumer Advocate further stated it appeared the purpose of the civil monetary

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penalties authorized by Iowa Code § 476.103 (2005), to deter recurrent violations, had been fulfilled. The Consumer Advocate stated its limited resources were more effectively devoted to other cases and it would comply with paragraph 28 of the Federal Order. Finally, the Consumer Advocate stated, if and when One Call's assets were liquidated, it intended to withdraw the petitions in these dockets.

The Consumer Advocate's statement also related to Docket No. FCU-06-41 in addition to the dockets listed above, which the Board has not assigned to the undersigned. Therefore, this order makes no ruling with respect to Docket No. FCU-06-41.

On June 1, 2006, the undersigned issued an order suspending the procedural schedules, canceling two hearings, ordering One Call to file a status report regarding these dockets informing the Board and the Consumer Advocate of the status of the receivership discussed in the Federal Order on December 1, 2006, and ordering the Consumer Advocate to file a response to One Call's status report on December 15, 2006, stating whether it intended to withdraw its petitions in these dockets at that time.

As of December 12, 2006, One Call had not filed the status report due December 1, 2006. On December 12, 2006, the undersigned issued an order requiring One Call to file the required status report on or before December 18, 2006, and ordering the Consumer Advocate to file a response within 15 days after One Call filed its report.

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On December 18, 2006, One Call's former attorney, Ms. Krista Tanner, filed a statement in which she stated the Federal Order had terminated her representation of One Call and paragraph 28 of the order made it improper for her to continue this action by filing a status report. Ms. Tanner also withdrew as counsel for One Call in this proceeding, and stated all future filings and correspondence should be addressed to the appointed receiver. The statement did not indicate whether One Call's other attorney of record, Mr. Philip Stoffregen, continued to represent One Call.

On January 3, 2007, the Consumer Advocate filed a status report stating that it was not willing to withdraw the petitions at the time. The Consumer Advocate stated it would endeavor to investigate the status of the matter if time permitted.

The status of these dockets should not be left open without specific filing requirements. The record is also not clear whether Mr. Stoffregen continues to represent One Call. The undersigned has become aware that Mr. Stoffregen changed law firms and was therefore not served with the prior order or the filings by Ms. Tanner and Mr. Graziano.

IT IS THEREFORE ORDERED:

1. A copy of this order will be served on Mr. Philip Stoffregen, attorney at law, Brown Winick, 666 Grand Ave., Suite 2000, Des Moines, Iowa 50309, in addition to the parties on the service list. On or before March 15, 2007, Mr. Stoffregen must file a letter or other appropriate filing that tells the Board whether he continues to represent One Call or not. If Mr. Stoffregen continues to represent One Call, he must

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file a status report regarding the status of the receivership discussed in the Federal Order on or before March 15, 2007.

2. On or before March 15, 2007, the Consumer Advocate must file a status report regarding the status of the receivership discussed in the Federal Order and state whether the Consumer Advocate is willing to withdraw its petitions in these dockets or acquiesce to their dismissal without prejudice. If the Consumer Advocate is not so willing, it must explain its position in the status report and provide a date by which it would file a subsequent status report.

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 13th day of February, 2007.