

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  DIRECTORY BILLING, LLC, d/b/a USDIRECTORY.COM	DOCKET NO. C-07-35
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**ORDER DENYING REQUEST FOR RECONSIDERATION**

(Issued June 15, 2007)

**PROCEDURAL BACKGROUND**

On May 9, 2007, the Utilities Board (Board) issued an "Order Denying Request for Formal Proceeding" in this docket. The Board denied a request filed by Directory Billing, LLC, d/b/a USDirectory.com (Directory Billing) for formal proceeding to consider whether Directory Billing was in violation of Board cramming rules, as found by Board staff in its March 7, 2007, proposed resolution.

The request for formal proceeding arose out of an informal complaint in which Weinrich Trucking (Weinrich) disputed charges from Directory Billing that appeared on Weinrich's telephone bill from OAN, the billing agent for Directory Billing.

In the Board's May 9, 2007, order, the Board concluded there were no reasonable grounds for further investigation of Board staff's finding that Directory Billing committed a cram in violation of Board rules. The Board found that, based on Directory Billing's own statements, Weinrich could not have authorized the service that Directory Billing alleged and that the timeline did not provide reasonable grounds

for further investigation of the matter through formal proceedings. Furthermore, the Board found that the third party verification recording (TPV) provided by Directory Billing did not authorize the services Directory Billing charged during the three months prior to the complaint filed by Weinrich and Directory Billing had not offered any reasonable grounds for further proceedings.

### **DIRECTORY BILLING'S REQUEST FOR RECONSIDERATION**

On May 21, 2007, Directory Billing filed a request for reconsideration of the Board's May 9, 2007, order denying formal proceeding.

Directory Billing stated that in its initial response to the complaint of Weinrich, a typographical error was committed, and that the correct date of activation for the preferred listing trial period is July 19, 2006. Directory Billing further stated that the Weinrich employee who authorized the change, named "Pete," clearly understood what the Directory Billing sales representative was saying, as evidenced by his confirmation of various points. Furthermore, Directory Billing stated that it disagrees that the sales pitch used in the telephone call was misleading and that each justification relied upon by the Board for finding the sales representative misleading is factually incorrect.

Directory Billing stated that the sales representative did begin the call by stating he wanted to update the records of Weinrich's account. However, only after all the information was verified was the preferred listing explained and offered. Directory Billing further stated that the sales representative informed "Pete" that

Directory Billing would be sending Weinrich a welcome kit by mail and mentioned the cost of the preferred listing service. Last, Directory Billing stated that the sales representative specifically provided the Web address, toll-free telephone number, and physical address for Directory Billing.

### **DISCUSSION**

After reviewing Directory Billing's arguments and the findings of staff, the Board finds that Directory Billing has not provided any information that provides reasonable grounds for further proceedings.

Directory Billing's TPV verifies that a sales representative from Directory Billing had a conversation with a Weinrich employee, but it does no more than that. The sales pitch used in the telephone call was difficult to understand and misleading. For example, the sales representative began the call by saying the purpose of the call was to verify information regarding Weinrich Trucking implying the existence of a commercial relationship or account. In this instance, Directory Billing had no previous relationship or commercial account with Weinrich. At no time did Directory Billing ask the Weinrich employee whether he authorized the purchase of the preferred listing. Explanation of a product and an affirmation of that explanation does not equal an agreement to purchase that product. Here, the sales representative did not request or ask the Weinrich employee a direct question; he simply explained the services and expected the Weinrich employee to understand that he was implicitly agreeing to a "preferred listing" service for his employer. There was no meeting of

the minds between Weinrich and Directory Billing, and therefore no agreement for Directory Billing's preferred listing service. For this reason, the Board concludes that Directory Billing has failed to put forth any reasonable ground for further proceedings.

**ORDERING CLAUSE**

**IT IS THEREFORE ORDERED:**

The "Request for Reconsideration" filed by the Directory Billing, LLC, d/b/a USDirectory.com, on May 21, 2007, is denied as discussed in this order.

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Curtis W. Stamp

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Krista K. Tanner

Dated at Des Moines, Iowa, this 15<sup>th</sup> day of June, 2007.