

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE,</p> <p style="padding-left: 100px;">Complainant,</p> <p style="padding-left: 100px;">vs.</p> <p>NETOPUS.NET,</p> <p style="padding-left: 100px;">Respondent.</p>	<p>DOCKET NO. FCU-07-8 (C-07-160)</p>
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**ORDER APPROVING SETTLEMENT AND ASSESSING CIVIL PENALTY**

(Issued August 20, 2007)

On May 4, 2007, 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 NetOpus.net (NetOpus). Consumer Advocate asserts NetOpus placed unauthorized charges on a consumer's local telephone bill in violation of Iowa's law against cramming. Iowa Code § 476.103. The proceeding was identified as Docket No. FCU-07-8.

On August 9, 2007, Consumer Advocate and NetOpus submitted a joint motion for approval of the settlement agreement contained in the motion. The settlement agreement addresses all issues in the docket and includes a monetary

penalty in the amount of \$500, which is to be paid within 30 days of the date of this order.

The Board has reviewed the settlement agreement and will approve it. The settlement agreement is reasonable in light of the record, conforms with all applicable statutes and rules, and is in the public interest. 199 IAC 7.18.

**IT IS THEREFORE ORDERED:**

1. The "Settlement Agreement and Joint Motion for Approval of Settlement Agreement" filed in this docket on August 9, 2007, is approved.

2. Pursuant to Iowa Code § 476.103 and the settlement agreement filed August 9, 2007, NetOpus.net is assessed a civil penalty in the amount of \$500. Payment, in the form of a check made payable to the Iowa Utilities Board, should be forwarded to the Executive Secretary of the Iowa Utilities Board at 350 Maple Street, Des Moines, Iowa 50319-0069. Payment is due within 30 days of the date of this order. The docket number listed on this order shall be listed on the check or in the accompanying correspondence.

**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 20<sup>th</sup> day of August, 2007.