

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: REQUESTED AMENDMENTS TO UNAUTHORIZED CHANGES IN TELECOMMUNICATIONS SERVICE RULES [199 IAC 22]	DOCKET NO. RMU-08-3
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ORDER DENYING MOTION TO TAKE OFFICIAL NOTICE

(Issued August 12, 2008)

On May 27, 2008, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a motion to take official notice of the files in *Office of Consumer Advocate v. Buzz Telecom, Corp.*, Docket No. FCU-06-55 and additional complaint files, involving other companies, in which allegations were made that telemarketers acting on behalf of companies made material representations of fact to consumers as a means of inducing them to voice words of assent to switching their telephone service from one company to another or to add charges to their telephone account. Those cases are Docket Nos. FCU-02-5, FCU-02-6, FCU-03-13, FCU-03-14, FCU-3-21, FCU-03-34, FCU-03-23, FCU-03-29, FCU-03-32, FCU-03-37, FCU-03-40, FCU-03-42, FCU-03-43, FCU-03-46, FCU-03-54, FCU-03-62, FCU-03-63, FCU-03-64, FCU-04-3, FCU-04-6, FCU-04-10, FCU-04-11, FCU-04-16, FCU-04-18, FCU-04-21, FCU-04-22, FCU-04-34, FCU-04-36, FCU-04-37, FCU-04-49, FCU-04-61, FCU-06-17, FCU-06-21, FCU-06-22, FCU-06-23, FCU-06-32, FCU-06-35,

FCU-06-36, FCU-06-46, FCU-06-50, C-06-174, C-06-224, C-06-227, C-07-98, C-07-134, C-07-245, C-07-287, C-08-17, C-08-23, C-08-24, and C-08-46.

Iowa Code § 17A.14(4) states in contested cases "[o]fficial notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the agency."

A rule making is not a contested case; therefore, the Board will deny Consumer Advocate's motion. The information, comments, and supplemental comments submitted by Consumer Advocate in Docket No. RMU-08-3 are sufficient to incorporate Consumer Advocate's view of those other dockets into this record, so taking official notice of the above-referenced cases is unnecessary.

IT IS THEREFORE ORDERED:

The "Motion to Take Official Notice" filed by the Consumer Advocate Division of the Department of Justice on May 27, 2008, is denied as discussed in the order.

UTILITIES BOARD

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 12th day of August, 2008.