

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE,  Complainant,</p> <p style="text-align:center">vs.</p> <p>ACCXX COMMUNICATIONS, LLC,  Respondent.</p>	<p>DOCKET NO. FCU-08-13 (C-07-222)</p>
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**ORDER SETTING DEADLINE FOR RESPONSE**

(Issued September 18, 2008)

On August 12, 2008, the Utilities Board (Board) issued an order docketing this case as a formal complaint proceeding and assigning this docket to the undersigned administrative law judge. On August 19, 2008, the undersigned issued an order setting a prehearing conference for 10:00 a.m. on September 16, 2008. The purpose of the prehearing conference was to discuss the remaining disputed factual issues, appropriate procedures to be followed, including whether prefiled testimony is necessary, and the procedural schedule and hearing date for the case. The parties were given the opportunity to participate by telephone conference call.

According to the Telecommunications Service Provider Registration (Registration) filed by the Telrite Corporation with the Board, Accxx Communications, LLC (Accxx) is one of the trade names or d/b/a's used by the Telrite Corporation

(Telrite) in Iowa. For this reason, the orders in this formal complaint proceeding are being served on Telrite. Notice of the prehearing conference was served on Telrite by first-class mail to Telrite's address at 4113 Monticello St. SW, Covington, Georgia 30014-3544, the address provided by Telrite on its Registration.

On September 16, 2008, the prehearing conference was held in Board Conference Room 3 beginning at 10:00 a.m. The Consumer Advocate Division of the Department of Justice (Consumer Advocate) was represented by its attorney, Mr. Craig Graziano. Telrite/Accxx did not appear in person or by telephone conference call.

Telrite/Accxx must file notification with the Board stating whether it intends to participate in this proceeding. In addition, Telrite/Accxx must file a response to the "Petition for Proceeding to Consider Civil Penalty" filed by the Consumer Advocate on October 3, 2007.

**IT IS THEREFORE ORDERED:**

1. On or before October 8, 2008, Telrite/Accxx must file notification with the Board stating whether it intends to participate in this proceeding and a response to the "Petition for Proceeding to Consider Civil Penalty" filed by the Consumer Advocate on October 3, 2007.

2. Failure to file such notification and response by the due date may subject Telrite/Accxx to a default judgment pursuant to applicable Board statutes and Board rule 199 IAC 7.23(11).

**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 18<sup>th</sup> day of September, 2008.