

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 CLOSING DOCKET**

(Issued October 15, 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.

According to the Telecommunications Service Provider Registration (Registration) filed by the Telrite Corporation with the Board, "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 were 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. Neither Telrite nor Accxx appeared in person or by telephone conference call.

On September 18, 2008, the undersigned issued an "Order Setting Deadline For Response" that required Telrite/Accxx to file notification with the Board stating whether it intended to participate in this proceeding. The company was also ordered to file a response to the "Petition for Proceeding to Consider Civil Penalty" filed by the Consumer Advocate on October 3, 2007 (Consumer Advocate's Petition).

On October 3, 2008, Telrite filed a "Notification and Response to Petition By Third Party" (Telrite filing) with the Board. Telrite stated that it is not Accxx, is not responsible for the actions of Accxx, and it is therefore not the correct party to respond on behalf of Accxx to the Consumer Advocate's Petition. Telrite further stated that it acquired certain assets from Accxx on April 31, 2006, and it provided a copy of the asset purchase agreement (Agreement) with its filing. Telrite stated that in the Agreement, Telrite acquired the right to use the name "Accxx Long Distance" on its billing for six months following the date of execution to reduce customer confusion. Telrite further stated it never listed "Accxx Communications LLC" as a trade name or d/b/a, but instead listed "Accxx" in an attempt to disclose trade names but avoid stating it was the LLC or corporation of that name. Telrite stated that it and

Accxx are two separate entities. Furthermore, Telrite stated, it filed a complaint against Accxx in Florida, which resulted in the issuance of a "Partial Final Judgment on Default Finding Facts and Entering Permanent Injunction" in Telrite's favor by the Florida court on December 18, 2007. Telrite attached a copy of the Florida court's order to its filing. Telrite stated that it has an antagonistic relationship with Accxx and is itself victim to some of the same type of Accxx actions the Board is investigating.

On October 14, 2008, the Consumer Advocate filed a "Withdrawal of Petition," which withdrew the Consumer Advocate's Petition filed in this docket. The Consumer Advocate stated it appears Accxx is defunct and Telrite played no role in the actions that were the subject of the customer complaint in this case.

It appears that no purpose would be served by continuing this formal complaint proceeding and the docket should therefore be closed.

**IT IS THEREFORE ORDERED:**

Docket No. FCU-08-13 is hereby closed.

**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 15<sup>th</sup> day of October, 2008.