

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

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| <p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE, Complainant, vs.</p> <p>INTERNATIONAL SATELLITE COMMUNICATIONS, Respondent.</p> | <p>DOCKET NO. FCU-08-16 (C-08-70)</p> |
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ORDER GRANTING MOTION TO COMPEL

(Issued November 18, 2008)

On September 26, 2008, the Utilities Board (Board) issued an order assigning this docket to the undersigned administrative law judge. On October 2, 2008, the undersigned administrative law judge issued an order setting a prehearing conference for 10 a.m. on October 16, 2008, in Board Conference Room 3, 350 Maple Street, Des Moines, Iowa. Parties were given the opportunity to participate in the prehearing conference by telephone conference call. The parties were served with the order setting the prehearing conference.

A prehearing conference was held beginning at 10 a.m. on October 16, 2008, in Board Conference Room 3, 350 Maple Street, Des Moines, Iowa. The Consumer Advocate Division of the Department of Justice (Consumer Advocate) was represented by its attorney, Mr. Craig Graziano. International Satellite

Communications (ISC) did not appear at the prehearing conference in person or by telephone. At the prehearing conference, Mr. Graziano stated that ISC had not yet responded to outstanding discovery requests and that he would follow up on this. In addition, Mr. Graziano agreed to try to determine whether the complaining customer has obtained a full refund of the disputed charges and to notify the Board of his determination.

On October 16, 2008, the Consumer Advocate filed a report stating that the complaining customer told Mr. Graziano that Qwest had credited her account \$28.78, which is the entire amount in dispute, and that Zero Plus Dialing had credited her account an additional \$14.39. The Consumer Advocate also filed a letter asking ISC to respond to discovery requests numbers 1-13, which the Consumer Advocate stated it had sent to ISC on September 30, 2008.

On October 16, 2008, the undersigned issued an order requiring ISC to: a) file a response with the Board to the "Petition for Proceeding to Consider Civil Penalty" filed by the Consumer Advocate on July 29, 2008; b) file a statement with the Board that tells the Board whether the complaining customer, Ms. Rhonda Prine, has received a full refund of the disputed charges in this case; and c) file a statement with the Board that tells the Board whether it will participate in this formal complaint proceeding. The order required ISC to file the responses by October 30, 2008.

As of the date of this order, ISC has not filed any response with the Board.

On November 4, 2008, the Consumer Advocate filed a "Motion to Compel Discovery," stating that ISC had not provided any response or other communication

to its discovery requests numbers 1-13. The Consumer Advocate requested the Board to issue an order compelling ISC to respond to the discovery requests by a date certain in the near future.

Board rule 199 IAC 7.15 states that opposing parties shall be given ten days from the date of the filing of a discovery motion to file a response. As of the date of this order, ISC has not filed any response to the motion to compel with the Board.

The motion to compel complies with the requirements of 199 IAC 7.15 and should be granted.

IT IS THEREFORE ORDERED:

The "Motion to Compel Discovery" filed by the Consumer Advocate on November 4, 2008, is hereby granted. On or before December 2, 2008, International Satellite Communications must provide responses to discovery requests numbers 1-13 to the Consumer Advocate.

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 18th day of November, 2008.