

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE,</p> <p style="text-align:center">Complainant,</p> <p style="text-align:center">vs.</p> <p>CHEAP2DIAL TELEPHONE, LLC,</p> <p style="text-align:center">Respondent.</p>	<p style="text-align:center">DOCKET NO. C-08-53</p>
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**ORDER GRANTING RECONSIDERATION FOR  
PURPOSES OF POSSIBLE SETTLEMENT**

(Issued December 2, 2008)

On June 25, 2008, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) petitioned the Utilities Board (Board) to commence a formal proceeding to impose a civil penalty on Cheap2Dial Telephone, LLC (Cheap2Dial), for an alleged cramming in violation of Iowa Code § 476.103. On October 14, 2008, the Board issued an order denying that request. On November 3, 2008, Consumer Advocate filed a motion for reconsideration of that order.

On November 26, 2008, Consumer Advocate filed a "Notice of Pendency of Settlement Discussions and Motion for Order, on or before December 3, 2008, Granting Reconsideration for Specified Purposes." In its motion, Consumer Advocate states that the parties in this docket are engaged in settlement discussions

with "a good likelihood the parties will in the immediate future execute and file a settlement agreement and joint motion for approval of settlement agreement."

However, communications between the parties had been intermittent in the days leading up to the filing of the motion, making it unlikely that a settlement agreement could be executed and filed before December 3, 2008, when Consumer Advocate's motion for reconsideration might be denied by operation of law. Accordingly, Consumer Advocate moved the Board for an order granting reconsideration solely for purposes of permitting consideration of a settlement agreement, if one is filed, and for further consideration if necessary.

The Board will grant the motion and give the parties until January 5, 2009, to file either a settlement agreement (with a joint motion for approval) or a joint status report. If no filing is received on or before that date, the Board will proceed to rule upon Consumer Advocate's pending motion for reconsideration.

**IT IS THEREFORE ORDERED:**

1. The "Notice of Pendency of Settlement Discussions and Motion for Order, on or before December 3, 2008, Granting Reconsideration for Specified Purposes" filed by the Consumer Advocate Division of the Department of Justice on November 26, 2008, is granted.

2. On or before January 5, 2009, the parties shall file either a settlement agreement (with a joint motion for approval of the agreement) or a joint status report describing the then-current state of this docket.

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 2<sup>nd</sup> day of December, 2008.