

FILED WITH  
Executive Secretary

JAN 28 2003

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
BEFORE THE IOWA UTILITIES BOARD

IOWA UTILITIES BOARD

<p>Office of Consumer Advocate, Complainant,</p> <p>v.</p> <p>Liberty Online Services, Inc., Respondent.</p>	<p><del>FILED</del></p> <p>Docket No. C-02-424</p> <p>RECORDS CENTER ORIGINAL DO NOT REMOVE</p>
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**PETITION FOR PROCEEDING TO IMPOSE CIVIL PENALTY**

Pursuant to Iowa Code § 476.103 (2001), the Office of Consumer Advocate (OCA), Iowa Department of Justice, petitions the Board to commence an administrative proceeding to impose a civil penalty for cramming violation. In support of the petition, OCA states:

1. On or about December 18, 2002, Faith Evangelical Covenant Church of Essex submitted a cramming complaint to the Board against telecommunications service provider Liberty Online Services (Liberty). The complaint alleged that Liberty, without authorization from the church, caused monthly charges for Internet usage to be placed on its local telephone bill, in violation of Iowa's anti-cramming law, Iowa Code § 476.103 (2001).

2. The complaint alleged that, during a telemarketing call from Liberty to the church, pastor Gary Martin asked the telemarketer three times to verify that the service was free and that the telemarketer responded three times that the service was free. The complaint alleged that Martin asked the telemarketer to notify him if he had to cancel to avoid incurring charges. The complaint alleged that Martin contacted Liberty and was

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