

# **DIVIDER**

**STATE OF NORTH DAKOTA  
INFORMATION TECHNOLOGY DEPARTMENT  
SFN 2053 (4-2002)**

**PU-439-00-15**

**Public Service Commission/Consumer Access, Inc.  
vs. Consumer Access, Inc.**

**Show Cause**

**00**

**Filed 1/12/2000**

**Closed 3/16/2000**

**Scott, Sandi L.**  
**From:** Bauske, Shelly A.  
**Sent:** Monday, June 05, 2000 2:40 PM  
**To:** Scott, Sandi L.  
**Subject:** Money Received.....

Case No. PU-439-00-15 - \$23.86 from RRV Enterprises Inc dba Consumer  
Access

**15 PU-439-00-15**

Pages: 0

06/05/2000

RRV Enterprises dba Consumer Access

\$23.86 received

CC: Comm Legal PUD (3) ALJ .

APPROVED:  
DATE: 4-12-00  
KMF

MOTION

April 12, 2000

Public Service Commission vs.  
Consumer Access, Inc.  
Show Cause

PU-439-00-15

I move the Commission bill: Consumer Access, Inc. in the total amount of \$23.86 for costs incurred in Case No. PU-439-00-15, Public Service Commission vs. Access, Inc., Show Cause.

Office of Administrative Hearings      \$23.86



# OFFICE OF ADMINISTRATIVE HEARINGS

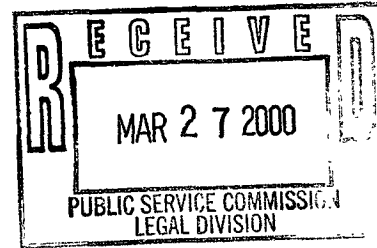
STATE OF NORTH DAKOTA  
1707 North 9th Street  
Bismarck, North Dakota 58501-1882

Allen C. Hoberg  
Director

701-328-3260  
FAX 701-328-3254

March 24, 2000

Mr. William W. Binek  
Hearing Administrator  
Public Service Commission  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480



Dear Mr. Binek:

On February 17, 2000, you requested the designation of an administrative law judge from the Office of Administrative Hearings to conduct a hearing in the matter of Consumer Access, Inc. (PU-439-00-15). I was designated to be assigned as a procedural administrative law judge to conduct the hearing, but not to make recommended findings of fact and conclusions of law, or issue a recommended order. Although the Order to Show Cause hearing on this matter was scheduled for April 12, 2000, I understand that it has been cancelled. On March 15, 2000, the Commission issued an Order to Vacate Order to Show Cause. I understand that the agency will issue any further appropriate order, if necessary.

I am closing our file on this matter and returning that portion of the record I have in my possession to you for filing with the official agency record of this matter, as appropriate.

If this matter has not been disposed of, and a new hearing is scheduled, please make a new request for the designation of an administrative law judge for this matter using the appropriate OAH administrative law judge request form.

Sincerely,

Allen C. Hoberg  
Administrative Law Judge

ACH:klp

Enclosures

cc: Mr. Benjamin W. Bronston

13 PU-439-00-15

Pages: 1

03/27/2000

Office of Administrative Hearings by Allen C. Hoberg  
Letter closing ALJ's file

CC: Comm Legal PUD (3) ALJ

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Public Service Commission vs.  
Consumer Access, Inc.  
Show Cause

Case No. PU-439-00-15

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Sharon Helbling** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **16th day of March, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

**Order to Vacate Order to Show Cause**

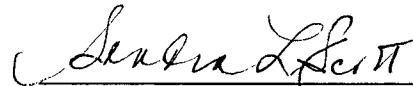
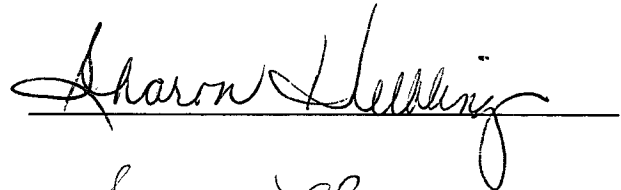
The envelope was addressed as follows:

Leon L Nowalsky  
Nowalsky Bronston & Gothard LLP  
3500 N Causeway Blvd Ste 1442  
Metairie LA 70002  
Cert. No. P443 354 765

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **16th day of March, 2000**.

SEAL



Notary Public

**SANDRA L. SCOTT**  
Notary Public, STATE OF NORTH DAKOTA  
My Commission Expires JUNE 11, 2004

12 PU-439-00-15

Pages: 1

03/16/2000

Public Service Commission

Affidavit of Service by Certified Mail

CC: Comm Legal PUD (3) ALJ.

**PU-439-00-15**

Copies To:

State Library (8 copies)

Historical Society

Associated Press

Office of Admin Hearings

**MOTION**

APPROVED:

DATE: 3-15-00  
KME

**March 15, 2000**

**Public Service Commission vs.  
Consumer Access, Inc.  
Show Cause**

**Case No. PU-439-00-15**

I move the Commission adopt the Order Vacating the Order to Show Cause in Case No. PU-439-00-15, RRV Enterprises, Inc. d/b/a Consumer Access, Inc.'s Show Cause proceeding.

PJF/sdh

000015.7doc

**11 PU-439-00-15**

Pages: 1

03/15/2000

Public Service Commission

Motion adopting Order to vacate Order to Show Cause

CC: Comm Legal PUD (3) ALJ

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission vs.  
Consumer Access, Inc.  
Show Cause**

**Case No. PU-439-00-15**

**ORDER TO VACATE ORDER TO SHOW CAUSE**

**March 15, 2000**

RRV Enterprises, Inc d/b/a Consumer Access, Inc. (Consumer Access) is doing business as a telecommunications reseller in the State of North Dakota. By letter dated September 27, 1999, CNA Surety notified the Commission of its cancellation of the surety bond for RRV Enterprises, Inc d/b/a Consumer Access, Inc. On September 30, 1999 the Commission notified the company through its attorney that the Commission had received notice of the cancellation, and that in order for the company to continue to do business in North Dakota it must renew the bond. N.D. Admin. Code § 69-09-05-04 requires a bond for any reseller that requires prepayment for service. Failure to have a bond in place violates the laws of the State of North Dakota and the rules of the Commission. Consumer Access did not respond to a Commission letter advising it of the requirements of North Dakota law and Commission rules.

The provisions of N.D.C.C. Chapter 49-21 give the Commission power to investigate the methods and practices of persons subject to its jurisdiction and to require them to conform to the laws of this state and to all rules, regulations and orders of the Commission. N.D. Admin. Code § 69-02-02-09 empowers the Commission to issue show cause orders. N.D.C.C. Chapter 49-07 provides for criminal and civil penalties for violation of state laws, Commission orders and Commission rules.

On February 9, 2000 this matter was considered ex parte by the Commission based upon the filings in this case and based upon the affidavit of Illona Jeffcoat-Sacco. The Commission issued an Order to Show Cause on February 9, 2000 setting a hearing for April 12, 2000, at 1:30 p.m. in the Commission Hearing Room, 12<sup>th</sup> Floor, State Capitol, Bismarck, North Dakota, for Consumer Access to show cause, if any it had, why its certificate of registration as a telecommunications reseller should not be revoked.

On March 1, 2000, Consumer Access filed a Response indicating that its initial marketing program did require prepayments, triggering the Commission's bonding requirement, but that marketing initiative was not successful and was abandoned approximately 18 months later. At that time, in North Dakota, Consumer Access began offering only traditional post paid 1+ 800 and travel card services. Consumer Access indicated that it does not accept any prepayments and has no prepayments in its

**10 PU-439-00-15**

Pages: 2

03/15/2000

Public Service Commission

Order to Vacate Order to Show Cause

possession, and therefore it allowed its bond to expire. Consumer Access acknowledges that it failed to properly notify the Commission about its prepayment policy and asks the Commission to order that no bond is necessary for Consumer Access to continue to do business in North Dakota.

### Order

The Commission orders:

1. The Order to Show Cause issued February 9, 2000 to RRV Enterprises, Inc. d/b/a Consumer Access, Inc. is VACATED.
2. RRV Enterprises, Inc. d/b/a Consumer Access, Inc. may resell telecommunications services in North Dakota without a bond for so long as RRV Enterprises, Inc. d/b/a Consumer Access, Inc. does not require prepayments.

### PUBLIC SERVICE COMMISSION

		
<hr/>	<hr/>	<hr/>
Susan E. Wefald Commissioner	Bruce Hagen President	Leo M. Reinbold Commissioner

# NOWALSKY, BRONSTON & GOTHARD

A Professional Limited Liability Company  
Attorneys at Law

Leon L. Nowalsky  
Benjamin W. Bronston  
Edward P. Gothard

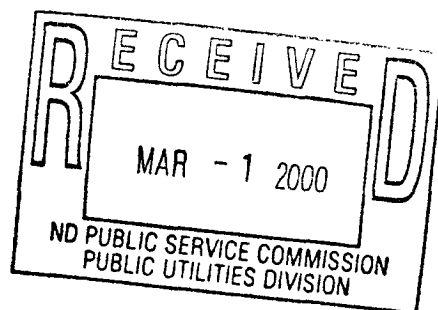
3500 N. Causeway Boulevard  
Suite 1442  
Metairie, Louisiana 70002  
Telephone: (504) 832-1984  
Facsimile: (504) 831-0892

Monica R. Borne  
EllenAnn G. Sands

February 29, 2000

*Via Overnight Delivery*

North Dakota Public Service Commission  
State Capitol, 12<sup>th</sup> Floor  
Bismark, North Dakota 58505



RE: Case No. PU-439-00-15  
Response of RRV Enterprises, Inc.  
d/b/a Consumer Access

Dear Sirs:

Enclosed herein for filing in the above referenced case, please find the original and seven (7) copies of the Response of RRV Enterprises, Inc. d/b/a Consumer Access to the Show Cause Proceeding in the above referenced case.

An additional copy of the Response has been enclosed to be date stamped and returned in the enclosed stamped self addressed envelope.

Should you have any questions do not hesitate to call.

Sincerely,

*Leon L. Nowalsky*  
Leon L. Nowalsky

LLN:sw  
Enclosures  
cc: Scott Moster

9 PU-439-00-15 Pages: 1  
03/01/2000  
Consumer Access, Inc.  
Cover letter re response to Show Cause  
Proceeding

CC: Comm Legal PUD (3) ALJ .

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Public Service Commission  
vs.  
Consumer Access, Inc.  
Show Cause

Case No. PU-439-00-15

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RESPONSE OF RRV ENTERPRISES, INC.  
D/B/A CONSUMER ACCESS, [INC]

NOW COMES, RRV Enterprises, Inc. d/b/a Consumer Access ("CA")<sup>1</sup> and in response to the North Dakota Public Service Commission's ("Commission") Order to Show Cause in the above referenced case does state as follows:

1. CA was certified by the Commission on August 27, 1997, in Case No. PU-1728-97-447. In CA's initial application for certification it was stated that CA would collect advance payments. In compliance with the Commission's rules regarding the collection of advance payments, CA submitted Bond No. 158836396 issued by American Casualty Company.
2. CA's initial marketing program did in fact require advance payments from consumers in North Dakota. However, CA was unsuccessful in attracting a meaningful number of North Dakota consumers to this program.
3. Approximately eighteen (18) months following both CA's certification and the launch of its initial marketing program, CA abandoned the advance payment element of its program in North Dakota and began offering traditional post paid 1+, 800 and travel card services.
4. Since CA does not accept advance payments and does not have any advance payments

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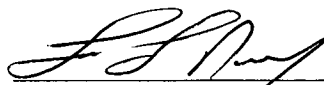
<sup>1</sup> The legal name of respondent is RRV Enterprises d/b/a Consumer Access.

in its possession, CA allowed its surety bond to expire.

5. Through inadvertence, CA failed to properly notify the Commission that CA was going to allow its surety bond to expire due to its change in business strategy resulting in this Show Cause proceeding.
6. CA submits that since it no longer requires or accepts advance payments and no longer has any advance payments in its possession, the requirement to post a surety bond should be dispensed with unless or until CA should ever again require such payments.
7. CA further submits that it will not offer any product in North Dakota which requires an advance payment without first posting a surety bond in accordance with North Dakota Administrative Code 69-09-05-04(26).

WHEREFORE, CA respectfully requests that this Show Cause Proceeding be dismissed and the requirement to post a surety bond be dispensed with unless or until CA should ever decide to require an advance payment. In such an event, CA will first post a surety bond prior to implementing such a requirement on the consumers of North Dakota.

Respectfully Submitted



---

Leon L. Nowalsky  
Nowalsky, Bronston & Gothard, APLLC  
3500 North Causeway Boulevard  
Suite 1442  
Metairie, Louisiana 70002

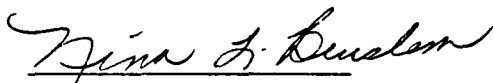
Attorney for RRV Enterprises, Inc.  
d/b/a Consumer Access

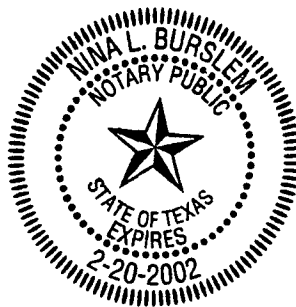
**AFFIDAVIT**

BEFORE ME, the undersigned notary in and for the State of TEXAS, County of HARRIS, came and appeared Scott Moster who after being duly sworn did state that he is President of RRV Enterprises, Inc. D/B/A Consumer Access, and that he has read the attached response and the statements contained therein are true and correct to the best of his information and belief.

  
\_\_\_\_\_  
Scott Moster

Sworn to and Subscribed  
Before Me, Notary  
This 25<sup>TH</sup> day of FEBRUARY  
2000.

  
\_\_\_\_\_  
Notary





# OFFICE OF ADMINISTRATIVE HEARINGS

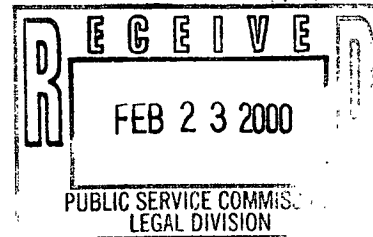
STATE OF NORTH DAKOTA  
1707 North 9th Street  
Bismarck, North Dakota 58501-1882

Allen C. Hoberg  
Director

701-328-3260  
FAX 701-328-3254

February 22, 2000

Mr. William W. Binek  
Hearing Administrator  
Public Service Commission  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480



Dear Mr. Binek:

Thank you for your February 17, 2000, request of the designation of an administrative law judge from the Office of Administrative Hearings to conduct a hearing in the matter of Consumer Access, Inc. (PU-439-00-15). I hereby designate myself to be assigned as an administrative law judge to conduct the hearing in regard to this matter. Because the administrative law judge will not be making recommended findings of fact and conclusions of law, or issuing a recommended order, the person or persons who will actually be making the final administrative decision in regard to this matter (*i.e.*, the commission) must actually be in attendance at the hearing.

Please send all additional relevant documents in regard to this matter (correspondence, and other pleadings and documents) to the designated administrative law judge in care of the Office of Administrative Hearings, 1707 North 9th Street, Lower Level, Bismarck, North Dakota 58501-1882. I understand the hearing is scheduled for April 12, 2000, beginning at 1:30 p.m. in the Commission Hearing Room, 12<sup>th</sup> Floor, State Capitol, 600 East Boulevard Avenue, Bismarck, North Dakota. Because the administrative law judge is requested to conduct the hearing only, the agency must give proper notice of the hearing.

Sincerely,

Allen C. Hoberg  
Director

ACH:klp

c: Mr. Benjamin W. Bronston



**Public Service Commission**  
State of North Dakota

600 E Boulevard Ave. Dept. 408  
Bismarck, North Dakota 58505-0480  
e-mail: msmail.sab@oracle.psc.state.nd.us  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

COMMISSIONERS

Bruce Hagen  
President  
Susan E. Wefald  
Leo M. Reinbold

February 17, 2000

Executive Secretary  
Jon H. Mielke

Mr. Allen C. Hoberg  
Office of Administrative Hearings  
1707 North 9<sup>th</sup> Street, Lower Level  
Bismarck, ND 58501

Re: Public Service Commission  
vs. Consumer Access, Inc.  
Show Cause  
Case No. PU-439-00-15

Dear Mr. Hoberg:

Enclosed is a request for an administrative law judge, in the above captioned case. The Commission has scheduled a show cause hearing for April 12, 2000, beginning at 1:30 p.m. in the Commission Hearing Room, 12<sup>th</sup> Floor, State Capitol, Bismarck, North Dakota. The administrative law judge will serve as a procedural judge and the hearing will be taped recorded. A copy of the case is enclosed.

Please provide the Commission with a copy of any correspondence issued by your office in this case.

If you have any questions, please contact me at 328-4088. Thank you.

Sincerely,

William W. Binek  
Hearing Administrator

WWB/sls  
Enclosure

6 PU-439-00-15 Pages: 2  
02/17/2000  
Public Service Commission  
Request for Administrative Law Judge

CC: Comm Legal PUD (3) ALJ



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--COMPLAINT**  
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
 SFN 17818 (8-95)

Name of Agency, Board, or Commission Public Service Commission		
Name of Respondent(s) Consumer Access, Inc.	Address % Benjamin W Bronston, Nowalsky Bronston & Gothard LLP 3500 N Causeway Blvd. Ste 1442, Metairie, LA 70002	Telephone Number

The above named agency, board, or commission has taken administrative action pursuant to its authority found in Title 49 \_\_\_\_\_ (North Dakota Century Code and/or North Dakota Administrative Code).

The administrative action is more fully described as follows:

Public Service Commission vs. Consumer Access, Inc., Show Cause, Case No. PU-439-00-15

Show Cause Hearing set for April 12, 2000, beginning at 1:30 PM, Comm. Hearing Room, Bis.

Has the respondent been provided a copy of the complaint?  Yes  No

Attached is a copy of the complaint, related documents and correspondence, and certificate, affidavit or admission of service. If the respondent has otherwise been notified about this administrative action, please explain in the comments section below.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

Agency Contact Person(s) William W. Binek, Hearing Administrator	Telephone Number 328-4088
---	------------------------------

Representation [attorney (or other)] if known:

Agency	Telephone Number
Party	Telephone Number
Party	Telephone Number

Additional Comments

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person William W Binek	Date 2-17-00
Signature of Requesting Person 	Telephone Number 328-4088

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Public Service Commission vs.  
Consumer Access, Inc.  
Show Cause

Case No. PU-439-00-15

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **10th day of February, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

**Order to Show Cause**

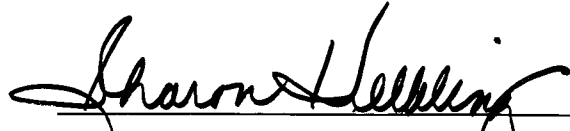

The envelopes were addressed as follows:

Benjamin W Bronston  
Nowalsky Bronston & Gothard LLP  
3500 N Causeway Blvd Ste 1442  
Metairie LA 70002  
Cert. No. P443 353 997

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **10th day of February, 2000**.

SEAL

  
\_\_\_\_\_  
  
\_\_\_\_\_

Notary Public

**SANDRA L. SCOTT**  
Notary Public, STATE OF NORTH DAKOTA  
My Commission Expires JUNE 11, 2004

5 PU-439-00-15  
02/10/2000  
Public Service Commission  
Affidavit of Service by Certified Mail

Pages: 1

CC: Comm Legal Illona . . .

**PU-4339-00-15**

Copies To:

State Library (8 copies)

Historical Society

Associated Press

**MOTION**

DATE: 2-9-00  
KMF

**February 9, 2000**

**Public Service Commission vs.  
Consumer Access, Inc.  
Show Cause**

**Case No. PU-439-00-15**

I move the Commission issue an Order to Show Cause to Consumer Access, Inc.,  
Case No. PU-439-00-15.

PJF/sdh

000015.3doc

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission vs.  
Consumer Access, Inc.  
Show Cause**

**Case No. PU-439-00-15**

**ORDER TO SHOW CAUSE**

**February 9, 2000**

This matter was considered ex parte by the Commission based upon the filings in this case and based upon the affidavit of Illona Jeffcoat-Sacco.

RRV Enterprises, Inc d/b/a Consumer Access, Inc. is doing business as a telecommunications reseller in the State of North Dakota. By letter dated September 27, 1999, CNA Surety notified the Commission of its cancellation of the surety bond for RRV Enterprises, Inc d/b/a Consumer Access, Inc. On September 30, 1999 the Commission notified the company through its attorney that the Commission had received notice of the cancellation, and that in order for the company to continue to do business in North Dakota it must renew the bond. N.D. Admin. Code § 69-09-05-04 requires a bond for any reseller that requires prepayment for service. Failure to have a bond in place violates the laws of the State of North Dakota and the rules of the Commission. Consumer Access, Inc. has not responded to a Commission letter advising it of the requirements of North Dakota law and Commission rules.

The provisions of N.D.C.C. Chapter 49-21 give the Commission power to investigate the methods and practices of persons subject to its jurisdiction and to require them to conform to the laws of this state and to all rules, regulations and orders of the Commission. N.D. Admin. Code § 69-02-02-09 empowers the Commission to issue show cause orders. N.D.C.C. Chapter 49-07 provides for criminal and civil penalties for violation of state laws, Commission orders and Commission rules.

**IT IS HEREBY ORDERED:**

**That on April 12, 2000, at 1:30 p.m. (CDST), in the Commission Hearing Room, 12<sup>th</sup> Floor, State Capitol, Bismarck, North Dakota, Consumer Access, Inc. show cause, if any it has, why its certificate of registration as a telecommunications reseller should not be revoked.**

**PUBLIC SERVICE COMMISSION**

  
**Susan E. Wefald**  
Commissioner

  
**Bruce Hagen**  
President

  
**Leo M. Reinbold**  
Commissioner

3 **PU-439-00-15**  
02/09/2000  
Public Service Commission  
Order to Show Cause

Pages: 1

CC: Comm Legal Illona . . .





**Public Service Commission**  
State of North Dakota

COMMISSIONERS

Bruce Hagen  
President  
Susan E. Wefald  
Leo M. Reinbold

600 E Boulevard Ave. Dept. 408  
Bismarck, North Dakota 58505-0480  
e-mail: msmail.sab@oracle.psc.state.nd.us  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

Executive Secretary  
Jon H. Mielke

December 20, 1999

Benjamin W Bronston  
Nowalsky Bronston & Gothard LLP  
3500 N Causeway Blvd Ste 1442  
Metairie LA 70002

Dear Mr. Bronston:

On September 30, 1999 I sent you the enclosed letter advising you that your bond would be cancelled in October.

We have not heard from you, nor have we received a new bond, so Consumer Access is in violation of our rules because it doesn't have a current bond.

Please respond to my letter by December 30<sup>th</sup>, and let us know what you plan to do.

Sincerely,

Sharon Helbling  
Public Utilities Division

Sdh

Enclosures

1 **PU-439-00-15** Pages: 4  
01/12/2000  
Public Service Commission  
Show Cause filing - bond cancellation

CC: Comm Legal Illona ...



# Public Service Commission

State of North Dakota

600 E Boulevard Ave. Dept. 408  
Bismarck, North Dakota 58505-0480  
e-mail: msmall.sab@oracle.psc.state.nd.us  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

## COMMISSIONERS

Bruce Hagen  
President  
Susan E. Wefald  
Leo M. Reinbold

Executive Secretary  
Jon H. Mielke

September 30, 1999

Benjamin W Bronston  
Nowalsky Bronston & Gothard L L P  
3500 N Causeway Blvd Ste 1441  
Metairie LA 70002

Dear Mr. Bronston:

Enclosed is a copy of a Cancellation Notice from CNA Surety.

This bond for RRV Enterprises, Inc. d/b/a Consumer Access is going to be cancelled at the end of October. In order for this company to continue doing business in North Dakota as long distance reseller, it must renew the bond.

Please have the bond renewed and send us a copy of that renewed bond. If you have any questions, please call me at 701-328-4076.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Helbling".

Sharon Helbling  
Public Utilities Division

Sdh

Enclosures



CNA Plaza Chicago IL 60685-0001

**CANCELLATION NOTICE**

Office at  
Date: 09/27/1999

State of North Dakota  
Public Service Commission  
Bismark, ND 58501

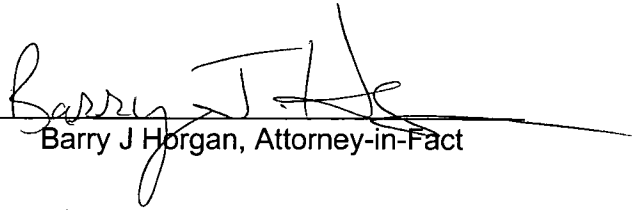
RE: Principal: RRV Enterprises, Inc. dba Consumer Access

Bond #: 158836396

Notice is hereby given of the cancellation of this Company's Suretyship on behalf of RRV Enterprises, Inc. dba Consumer Access for Five Thousand and 00/100 dollars (\$5,000) under Bond Number 158836396 originally issued on or about 7/30/1997.

This cancellation is to take effect 30 days after receipt of this notice in accordance with the terms of said suretyship.

American Casualty Company of Reading, PA

By:   
Barry J Horgan, Attorney-in-Fact

G-23168-C

<sup>1897, 1997</sup>  
**A Century of Commitment**

**POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT**

Know All Men By These Presents, That CONTINENTAL CASUALTY COMPANY, an Illinois corporation, NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, a Connecticut corporation, AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA, a Pennsylvania corporation (herein collectively called "the CCC Surety Companies"), are duly organized and existing corporations having their principal offices in the City of Chicago, and State of Illinois, and that they do by virtue of the signature and seals herein affixed hereby make, constitute and appoint Ellen M. Coughlin, Kristin G. Erickson, Edward J. Lechak, Barry J. Horgan, Individually

of Quincy, Massachusetts

their true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on their behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind them thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of their corporations and all the acts of said Attorney, pursuant to the authority hereby given are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Laws and Resolutions, printed on the reverse hereof, duly adopted, as indicated, by the Boards of Directors of the corporations.

In Witness Whereof, the CCC Surety Companies have caused these presents to be signed by their Group Vice President and their corporate seals to be hereto affixed on this 5th day of March, 1999.



CONTINENTAL CASUALTY COMPANY  
NATIONAL FIRE INSURANCE COMPANY OF HARTFORD  
AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA

*Marvin J. Cashion*

Marvin J. Cashion Group Vice President

State of Illinois, County of Cook, ss:

On this 5th day of March, 1999, before me personally came

Marvin J. Cashion, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Chicago, State of Illinois; that he is a Group Vice President of CONTINENTAL CASUALTY COMPANY, NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, and AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA described in and which executed the above instrument; that he knows the seals of said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed pursuant to authority given by the Boards of Directors of said corporations and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporations.



My Commission Expires March 6, 2000

*Mary Jo Abel*

Mary Jo Abel Notary Public

**CERTIFICATE**

I, Mary A. Ribikawskis, Assistant Secretary of CONTINENTAL CASUALTY COMPANY, NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, and AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the By-Law and Resolution of the Board of Directors of each corporation printed on the reverse hereof are still in force. In testimony whereof I have hereunto subscribed my name and affixed the seals of the said corporations this 27th day of September, 1999.



CONTINENTAL CASUALTY COMPANY  
NATIONAL FIRE INSURANCE COMPANY OF HARTFORD  
AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA

*Mary A. Ribikawskis*

Mary A. Ribikawskis Assistant Secretary

## Authorizing By-Laws and Resolutions

ADOPTED BY THE BOARD OF DIRECTORS OF CONTINENTAL CASUALTY COMPANY:

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the Board of Directors of the Company.

### **"Article IX—Execution of Documents**

Section 3. Appointment of Attorney-in-fact. The Chairman of the Board of Directors, the President or any Executive, Senior or Group Vice President may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Company in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. Such attorneys-in-fact, subject to the limitations set forth in their respective certificates of authority, shall have full power to bind the Company by their signature and execution of any such instruments and to attach the seal of the Company thereto. The Chairman of the Board of Directors, the President or any Executive, Senior or Group Vice President or the Board of Directors, may, at any time, revoke all power and authority previously given to any attorney-in-fact."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 17th day of February, 1993.

"Resolved, that the signature of the President or any Executive, Senior or Group Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted pursuant to Section 3 of Article IX of the By-Laws, and the signature of the Secretary or an Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

ADOPTED BY THE BOARD OF DIRECTORS OF AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA:

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the Board of Directors of the Company.

### **"Article VI—Execution of Obligations and Appointment of Attorney-in-Fact**

Section 2. Appointment of Attorney-in-fact. The Chairman of the Board of Directors, the President or any Executive, Senior or Group Vice President may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Company in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. Such attorneys-in-fact, subject to the limitations set forth in their respective certificates of authority, shall have full power to bind the Company by their signature and execution of any such instruments and to attach the seal of the Company thereto. The President or any Executive, Senior or Group Vice President may at any time revoke all power and authority previously given to any attorney-in-fact."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 17th day of February, 1993.

"Resolved, that the signature of the President or any Executive, Senior or Group Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted pursuant to Section 2 of Article VI of the By-Laws, and the signature of the Secretary or an Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

ADOPTED BY THE BOARD OF DIRECTORS OF NATIONAL FIRE INSURANCE COMPANY OF HARTFORD:

This Power of Attorney is made and executed pursuant to and by authority of the following Resolution duly adopted on February 17, 1993 by the Board of Directors of the Company.

"RESOLVED: That the President, an Executive Vice President, or any Senior or Group Vice President of the Corporation may, from time to time, appoint, by written certificates, Attorneys-in-Fact to act in behalf of the Corporation in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. Such Attorney-in-Fact, subject to the limitations set forth in their respective certificates of authority, shall have full power to bind the Corporation by their signature and execution of any such instrument and to attach the seal of the Corporation thereto. The President, an Executive Vice President, any Senior or Group Vice President or the Board of Directors may at any time revoke all power and authority previously given to any Attorney-in-Fact."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 17th day of February, 1993.

"RESOLVED: That the signature of the President, an Executive Vice President or any Senior or Group Vice President and the seal of the Corporation may be affixed by facsimile on any power of attorney granted pursuant to the Resolution adopted by this Board of Directors on February 17, 1993 and the signature of a Secretary or an Assistant Secretary and the seal of the Corporation may be affixed by facsimile to any certificate of any such power, and any power or certificate bearing such facsimile signature and seal shall be valid and binding on the Corporation. Any such power so executed and sealed and certified by certificate so executed and sealed, shall with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Corporation."

PU-439-00-15

Is your RETURN ADDRESS completed on the reverse side?	<b>SENDER:</b> ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
	3. Article Addressed to: Leon R Nowalsky Nowalsky Bronston & Arthur LLP 3500 N Causeway Blvd Ste 1442 Metairie La 70002		4a. Article Number P 443 354 765	
	5. Received By: (Print Name) J. Nowalsky		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
	6. Signature: (Addressee or Agent) X <i>Nowalsky</i>		7. Date of Delivery 3/21/06	
		8. Addressee's Address (Only if requested and fee is paid)		
PS Form 3811, December 1994		102595-98-B-0229 Domestic Return Receipt		

Thank you for using Return Receipt Service.

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Is your RETURN ADDRESS completed on the reverse side?	<b>SENDER:</b> ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
	3. Article Addressed to: Benjamin W Bronston Nowalsky Bronston & Arthur LLP 3500 N Causeway Blvd Ste 1442 Metairie La 70002		4a. Article Number P 443 353 997	
	5. Received By: (Print Name) R. KEGGELUND		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
	6. Signature: (Addressee or Agent) X <i>R. Keggelund</i>		7. Date of Delivery 4/6/06	
		8. Addressee's Address (Only if requested and fee is paid)		
PS Form 3811, December 1994		102595-98-B-0229 Domestic Return Receipt		

Thank you for using Return Receipt Service.

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Is your RETURN ADDRESS completed on the reverse side?	<b>SENDER:</b> ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
	3. Article Addressed to: Benjamin Bronston Nowalsky Bronston & Arthur 3500 N Causeway Blvd Ste 1442 Metairie La 70002		4a. Article Number P 443 354 238	
	5. Received By: (Print Name) J West		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
	6. Signature: (Addressee or Agent) X <i>J West</i>		7. Date of Delivery DEC 28 08	
		8. Addressee's Address (Only if requested and fee is paid)		
PS Form 3811, December 1994		102595-98-B-0229 Domestic Return Receipt		

Thank you for using Return Receipt Service.