



incumbent telecommunications companies, including companies that had already obtained certificates of public convenience and necessity or registration certificates, that they must register using the Commission's new Telecommunications Company Electronic Registration Process. The memorandum was mailed to Communications Network Billing, Inc. and was posted to the Commission's web page. Communications Network Billing, Inc. has not registered using the electronic registration process.

Under N.D.C.C. § 49-21-01(19) a telecommunications company means a person engaged in the furnishing of telecommunications service within North Dakota. Under N.D.C.C. 49-21-01(20) telecommunications service is the offering for hire of telecommunications facilities, or transmitting for hire telecommunications by means of such facilities whether by wire, radio, lightwave, or other means.

The Commission is authorized under N.D.C.C. § 49-21-02.4(1) to enforce the provisions of title 47, Code of Federal Regulations, part 64, subpart k which prohibits the unauthorized change of a subscribers selection of a provider of telecommunications service. N.D.C.C. § 49-21-02.4(2) prohibits the unauthorized change of an intrastate telecommunications provider. N.D.C.C. § 49-21-02.4(3) provides the Commission with authority to issue a cease and desist order without prior notice against a telecommunications company that the Commission has reason to believe is in violation of N.D.C.C. § 49-21-02.4 or title 47, Code of Federal Regulations, part 64, subpart k.

Affiant believes that an emergency exists which requires ex parte action by the Commission because telecommunications subscribers may suffer immediate economic loss, damage or injury as a result of the actions of Communications Network Billing, Inc.

Affiant requests that the Commission issue an Ex parte Cease and Desist Order against Communications Network Billing, Inc. as authorized by N.D.C.C. § 49-21-02.4 requiring Communications Network Billing, Inc to cease and desist all marketing activities involving the unauthorized change of telecommunications service providers within the State of North Dakota.

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Subscribed and sworn to before me this 25th day of August, 2006.

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Notary Public