

Scott, Sandi L.

From: prregulatory@comcast.net
Sent: Tuesday, December 05, 2006 2:26 PM
To: Binek, William W.
Cc: -Grp-PSC Legal; Fahn, Patrick J.
Subject: Re: FW: Communications Network Billing, Inc., Case Nos. PU-06-373 and PU-06-378, Admin. item B 8

Hello Mr. Binek,

Yes thank you, I would like to listen in on the meeting tomorrow. You may reach me directly at 651-552-9661, I will await your call tomorrow morning.

Thank you for your assistance.

Pam

----- Original message -----

From: "Binek, William W." <wbinek@nd.gov>

Here is a memorandum that I sent to the Commissioners following our telephone conversation this morning. I think this pretty much summarizes our conversation. If you would like to listen in on the discussion with the Commissioners tomorrow, please let me know and we can call you when the item is ready to be discussed and will have you on speaker phone. If you wish to be on the phone, give me the telephone number we should use to call you. The Commission meeting starts at 11:00 am tomorrow, and I expect they will begin addressing the items on its Administrative Agenda at about 11:30 am.

From: Binek, William W.

Sent: Tuesday, December 05, 2006 9:48 AM

To: -Grp-PSC Commissioners; -Grp-PSC Public Utilities

Cc: -Grp-PSC Legal

Subject: Communications Network Billing, Inc., Case Nos. PU-06-373 and PU-06-378, Admin. item B 8

This morning I called Pamela Riech at Communications Network Billing, Inc. to find out if she had read my e-mail of 12-04-06 and to find out what Network Communications Billing, Inc. wanted the Commission to do.

Ms. Riech stated that she had received and had read my e-mail. She said that she tried to find verification that the September 1, 2006 letter had been faxed, but that she was unable to find any verification that it had been done. She said that the call to MDU was made by a telemarketing company, and that Communications Network Billing, Inc. does not condone deceptive marketing and is working to make sure it does not happen in the future. She asked what the company could do to rectify the matter.

I told Ms. Riech that I would visit with the Commission at the Admin. meeting tomorrow, but my suggestion at this time is that Communications Network Billing, Inc. pay the penalty and send the Commission an explanation of the action that the company is taking or has taken to make certain that this type of activity does not occur in the future. I explained that there were two violations set forth in the complaint (1) failure to register under N.D.C.C. 49-03.1-09, and (2) conducting marketing activities to obtain the unauthorized change of telecommunications service providers under N.D.C.C. 49-21-02.4. I

12/5/2006

said that the penalty that was assessed was primarily for the slamming violation. I told her that the Commission has zero tolerance with slamming violations. She indicated that the company will pay the penalty and will send that Commission and explanation of the actions taken by the company to make ! certain that slamming does not occur in the future. The company will likely make a request that the Cease and Desist Order be terminated.

Sharon checked the registration records this morning and found that Communications Network Billing, Inc. did register under N.D.C.C. 49-03.1-09 on November 25, 2006.