

BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION,)	Case No. PU-22-393
)	
Complainant,)	
)	MOTION FOR AN ORDER TO
vs.)	CEASE AND DESIST
)	
Bright Sound Communications, Inc.,)	
)	
Respondent.)	

MOTION FOR CEASE AND DESIST ORDER

Public Service Commission Advocacy Staff (“Advocacy Staff”) respectfully seeks a cease and desist order against Bright Sound Communications, Inc. In support of the motion, Advocacy Staff states the following:

BACKGROUND

On October 20, 2022, the Commission received an informal complaint from Jeremy Becker with Northwest Communications Cooperative (NCC). The complaint alleges a violation by Bright Sound Communications, Inc. (BSCI) of North Dakota Century Code (NDCC) Section 49-21-02.4 by material misrepresentation on sales calls. *See Attached NCC Informal Complaint.* On October 24, 2022, the Commission received an informal complaint from Karen Feickert with Feickert Drilling Co. This complaint alleges a similar violation by BSCI of NDCC Section 49-21-02.4 by material misrepresentation on a sales call. *See Attached Feickert Informal Complaint.*

Additional investigation by Advocacy Staff revealed similar instances of material misrepresentation on sales calls by BSCI in at least six other instances. In each of these instances subscribers reported that they received sales calls from a representative of BSCI claiming to be associated with or otherwise affiliated to their current long distance provider urging them to switch


their long distance services to BSCI due to their current provider no longer offering the service. In each instance, the current providers confirmed that they have no affiliation with BSCI nor did they have any plans to discontinue said services.

CONCLUSION

For these reasons, Advocacy Staff respectfully requests Bright Sound Communications immediately cease and desist all misrepresentations in sales activities and the Public Service Commission enter a Cease and Desist Order against Bright Sound Communications, Inc., and such other relief that the Commission finds just and proper.

Dated: November 23, 2022

Respectfully,



Brian Johnson
Special Assistant Attorney General Bar ID 07937
North Dakota Public Service Commission
600 East Boulevard Avenue Dept. 408
Bismarck ND, 58505
701-328-2407



October 11, 2022

RECEIVED

OCT 20 2022

Mr. Steve Kahl, Executive Director
North Dakota Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

RE: Information Complaint against Bright Sound Communications, Inc.

Dear Mr. Kahl:

Northwest Communications Cooperative ("NCC") provides this letter to the North Dakota Public Service Commission (Commission) pursuant to Section 69-02-02-1 of its administrative rules to present an "Informal Complaint" against Bright Sound Communications, Inc., (Bright Sound) a Florida corporation registered to do business with the North Dakota Secretary of State's Office (Company Number P2000009229) and registered with the PSC as a provider of "Long Distance Service". NCC as a local exchange carrier, competitive local exchange carrier and internet service company provides various telephone and broadband related services to customers within its service area footprint. These services include long distance voice services and NCC serves as the preferred or "presubscribed interexchange carrier" ("PIC") for a good number of its customers.

NCC submits this complaint due to the past several months, beginning in April of this year and continuing more recently into the month of August, multiple business customers "PIC'd" to NCC's long distance (LD) services were improperly switched to Bright Sound Communication's LD service based on false and/or misleading statements made by Bright Sound employees and/or agents. Specifically, these customers called NCC's customer service expressing concern that they had switched or may have switched their preferred long distance service to Bright Sound in error after being told on sales calls initiated by Bright Sound that Bright Sound was either affiliated with or "calling on behalf" of NCC and needing them to change their long distance PIC. These and similar statements made by Bright Sound representatives are completely false. NCC has no affiliation with and has given no authorization to Bright Sound to reference NCC in its long distance marketing efforts. NCC believes the statements were made to improperly entice customers into changing their PIC'd long distance away from NCC to Bright Sound's LD service. Further, as to the affected customers, NCC has also received information indicating that after being switched without proper authorization, certain customers have encountered service outages, being left without a usable preferred/primary long distance service. This includes interrupted service to one of the K-12 schools located within NCC's service area.

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Informal Complaint against Bright Sound Communications, Inc.
Northwest Communications Cooperative, a Cooperative Association
Jeremy Becker, NCC General Manager/CEO

After hearing complaints from customers concerning these Bright Sound sales calls, NCC sent email correspondence to Bright Sound. NCC informed Bright Sound that it was aware of the improper use of its company name during sales calls made to NCC LD customers and requested that Bright Sound immediately stop falsely representing during sales calls that such calls are being made “on behalf of NCC”. This correspondence also noted that if such activity by Bright Sound was not stopped, NCC would be contacting the state attorney general and be filing a complaint against the company. The following brief email response was received by NCC on May 25, 2022 from an individual identifying herself as “Mary” with Bright Sound’s “Customer Service”:

“Thank you for notifying us. On behalf of Bright Sound, please accept my apologies. This is not an approved method of marketing and our marketing department is investigating this incident. As we outsource most of our marketing, all ND marketing has been stopped immediately until we can identify the marketing source and the individual responsible to ensure this does not happen again.”

Despite these brief, but clear assurances, to NCC’s knowledge Bright Sound neither stopped marketing in the State nor taken adequate action to prevent further misrepresentations or false statements by its sales personnel purporting to represent NCC. More than two months later, on August 12th, NCC was again contacted by one of its long distance customers and told that they had been contacted by Bright Sound representative saying that they were calling “on behalf of NCC” and seeking a change to their pre-subscribed long distance service.

It appears to NCC that Bright Sound is still engaged in its improper customer “Slamming” activity based not only on this more recent customer complaint, but also based on information received from other rural telecommunications company members of the Broadband Association of North Dakota (“BAND”) regarding Bright Sound marketing activities within their service areas. These other BAND members, include RTC Networks, West River Telecommunications Cooperative, SRT, Red River Communications, and United and Turtle Mountain Communications. All have received reports from customers indicating they were contacted by Bright Sound and given false information leading to an unintended switch of their PIC’d long distance service.

Given the foregoing, NCC asks that the Commission immediately investigate Bright Sound under the federal and state statutes and rules addressing illegal “Slamming” activity as it concerns telecommunications services. North Dakota Century Code §49-21-02.4 provides specifically that telecommunications companies shall comply with the provisions in 47 CFR Part 64, subpart K “regarding changes in a subscriber’s selection of a provider of telecommunications service.” These federal regulations

notably include the following language as it relates to the improper actions of Bright Sound described in this letter:

Section 64.1120 – Verification of orders for telecommunications service.
No telecommunications carrier shall submit or execute a change on the behalf of a subscriber in the subscriber's selection of a provider of telecommunications service except in accordance with the procedures prescribed in this subpart. . . . Nothing in this section shall preclude any State commission from enforcing these procedures with respect to intrastate services. . . . [And] Material misrepresentation on the sales call is prohibited. Upon a consumer's credible allegation of a sales call misrepresentation, the burden of proof shifts to the carrier making the sales call to provide persuasive evidence to rebut the claim. Upon a finding that such a material misrepresentation has occurred on a sales call, the subscriber's authorization to switch carriers will be deemed invalid.

In addition, NCC asks the Commission to exercise its authority under North Dakota Century Code §49-21-02.4.3 and issue a cease and desist order against Bright Sound, preventing the company from engaging in any further marketing and/or sales of its long distance services in North Dakota until after the Commission's investigation into these matters has concluded and the Commission is satisfied that the company has a willingness and ability to comply with the state and federal laws prohibiting unauthorized telecommunications service changes.

If upon review of this letter the Commission would like more information concerning the specifics of our communications with customers as it relates to Bright Sound, NCC is ready to assist in any way we can.

Thank you for your attention to these matters.

Respectfully submitted,



Jeremy Becker
NCC General Manager/CEO

Schock, Victor F.

From: Karen Feickert <kfeickert@yahoo.com>
Sent: Sunday, October 23, 2022 11:15 AM
To: Schock, Victor F.
Subject: Bright Sound Communications fraudulent mis-representation
Attachments: Consumer complaint Pg One.pdf; Consumer complaint Pg Two.pdf; Bright Sound PSC letter.docx; Bright Sound Sept Page One.pdf; Bright Sound Sept Page Two.pdf

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Good Morning Victor I have attached my notes and a copy of my last invoice 9-7-2022 paid to Bright Sound Communications It was paid with Feickert Well Drilling Check #10844 September 28,2022 and cleared our bank 10-06-2022. I am also attaching my consumer complaint filed with the Office of Attorney General, Consumer Protection for your reference. If you have any questions or need any other documentation please let me know. Thanks

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Informal Complaint against Bright Sound Communications, Inc.

Feickert Drilling Co.

Karen K. Feickert

October 24th 2022

PSC

Attn: Victor Schock

Early spring 2022, our business Feickert Drilling Co. received a phone call regarding our long distance service with West River Communications I took the call. They explained to me that our carrier, West River Communications was not going to offer long distance service to us any longer. I questioned them and they said they would send out information through the mail about their company. I received it, then googled them to find out if they were definitely an actual active business, and they were. We started receiving billings June 7, 2022 and they have continued July, August and September. It was at that point that I called West River Communications and asked them could we reinstate our long distance service and why they had discontinued the service. They informed me that we never were disconnected from them for any reason. They said that we were getting charged for a fraudulent charge for service never rendered from Bright Sound Communications. I was also told that there were other businesses with West River communications that were also misled.

Respectfully submitted,

Karen K. Feickert 701-799-7118



CONSUMER COMPLAINT
OFFICE OF ATTORNEY GENERAL
CONSUMER PROTECTION
 SFN 7418 (02-2022)

1. Please attempt to contact the company or individual before filing this complaint.
2. Complete entire form and type or print clearly in blue or black ink. We cannot process incomplete forms.
3. Attach copies (not originals) of the documents relating to your complaint.
4. Mail the completed form to the address shown at the bottom of the form. Keep a copy for your files.

CONSUMER INFORMATION/OR YOUR INFORMATION

WHO IS THE COMPLAINT AGAINST

Salutation <input type="checkbox"/> Mr. <input checked="" type="checkbox"/> Ms.	Your Name (First, Last) Karen Feickert/Feickert Drilling Co.			Business/Organization Your Complaint is Against Bright Sound Communications Inc.			
Address 315 Dakota Ave				Address PO Box 1358 (Billing Address)			
City Goodrich		State ND	ZIP Code 58444	City Goldenrod		State FL	ZIP Code 32733-1358
Daytime Telephone Number (work, cell, home, other) 7017997118				Business Telephone Number 1888416376		Cell Telephone Number	
Email Address kfeickert@yahoo.com				Contact Person		Fax Number	
Age (optional) <input type="checkbox"/> 18-24 <input type="checkbox"/> 25-34 <input type="checkbox"/> 35-44 <input type="checkbox"/> 45-54 <input type="checkbox"/> 55-64 <input type="checkbox"/> 65+				Email or Website Address support@brightsound.net			

When filling out this form, please keep in mind that a copy of this complaint form may be forwarded to the party or firm complained against.

INFORMATION ABOUT THE TRANSACTION OR EVENT

Transaction or Event Date Spring 2020	Product or Service Involved Long distance service	Amount of Money Already Paid \$146.33
Paid By <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check <input type="checkbox"/> Debit Card <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> PayPal <input type="checkbox"/> Wire Transfer <input type="checkbox"/> Cashier's Check <input type="checkbox"/> Loan		
Amount of Money Still Owed According to Person or Firm \$36.32 for October Statement		
What Would You Consider a Satisfactory Resolution to This Matter <input checked="" type="checkbox"/> Refund <input type="checkbox"/> Product Delivery <input type="checkbox"/> Service Performed <input checked="" type="checkbox"/> Other (explain) Bright Sound be held accountable for fraudulent representative		
Seeking Resolution <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Filing Complaint for Reporting Purposes Only	Amount of Refund Requested \$146.33 monies paid	

First Contact Between You and Person/Company Complained Against (Check all applicable boxes) <input type="checkbox"/> I went to the company's place of business. <input checked="" type="checkbox"/> I received a telephone call from the company. <input type="checkbox"/> I contacted or went to the firm's temporary place of business. <input type="checkbox"/> The company came in person to my home or place of work. <input type="checkbox"/> I responded to a radio/TV, or written advertisement <input checked="" type="checkbox"/> I received written information in the mail from the firm. <input type="checkbox"/> I found information on the Internet.	Where did the transaction take place? (Check all applicable boxes) <input checked="" type="checkbox"/> At the firm's place of business. <input type="checkbox"/> At my home. <input type="checkbox"/> Away from the firm's place of business (i.e. at your work). <input type="checkbox"/> Over the telephone. <input type="checkbox"/> By mail. <input type="checkbox"/> On the Internet. <input type="checkbox"/> There was no transaction.
What Type of Sale Was This Transaction <input type="checkbox"/> Door to Door <input type="checkbox"/> Retail <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Mail Order <input type="checkbox"/> Internet <input type="checkbox"/> Seminar <input type="checkbox"/> Mailer	
Have You Complained to the Business or Person <input checked="" type="checkbox"/> Yes	If Yes, How <input type="checkbox"/> By Mail <input checked="" type="checkbox"/> By Telephone <input type="checkbox"/> In Person
Date of Contact 10-22-2022	Contact Person
Nature of Response Left a message - no answer	Response Date (provide copy of the response)

Did You Sign a Contract or Written Agreement <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, If yes, attach a copy	Did You Receive a Contract or Receipt <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, If yes, attach a copy
Have You Retained an Attorney Regarding This Complaint <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Attorney's Name/Law firm if Retaining an Attorney
Have You Filed a Lawsuit Against the Business or its Owner/Employees <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Where and What was the Result
Have You Filed a Complaint With Any Other Agencies <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	List the Agencies Sec of State ND/Public Utilities/PSC Telecommunications Dept

EXPLANATION OF TRANSACTION OR EVENT


Please describe the transaction or event and your complaint. You may use additional sheets if necessary. Be sure to tell WHAT happened, WHEN it happened, and WHERE it happened. Include information regarding any representations you feel to be deceptive, misleading, or false. Be specific about any statements the business made to you, especially those that influenced you to deal with the company. Attach COPIES of all contracts, letters, receipts, canceled checks (front & back), advertisements, or any other papers that relate to your complaint.

See attached sheet

READ THE FOLLOWING BEFORE SIGNING BELOW

In filing the complaint, I understand the following:

1. The Attorney General is not my private attorney but represents the public interest in enforcing consumer protection laws.
2. The Attorney General cannot provide legal advice to me. If I have any questions concerning my legal rights or responsibilities, including the time limits within which I must file any private action, I should contact a private attorney.
3. I understand that by submitting this complaint to the Attorney General's office my complaint and any response from the business will become public record, subject to disclosure in accordance with state law.
4. I authorize the Attorney General's office to send this complaint to the business or organization named in this complaint, or to other appropriate agencies.
5. I certify that the statements and information in this complaint are true and correct to the best of my knowledge.

Signature 	Date 10-24,2022
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ATTACH THE FOLLOWING TO THE COMPLAINT (if applicable)

1. Copy of any contract, written agreement.
2. Copy of any receipt.
3. Copy of any canceled check or other proof of payment.
4. Copy of any written advertisement.
5. Copy of any correspondence or other related documents.

SEND TO

CONSUMER PROTECTION DIVISION
OFFICE OF ATTORNEY GENERAL
1720 BURLINGTON DRIVE STE C
BISMARCK ND 58504-7736

Thank you for taking the time to complete this Consumer Complaint form.
The information you provided will help us in our effort to resolve your consumer problem.

Drew H. Wrigley
ATTORNEY GENERAL

Bright Sound Communications, Inc
PO Box 1358
Goldenrod, FL 32733-1358



67
NNNN



Feickert Well Drilling Co
315 Dakota Ave
Goodrich, ND 58444-4801

Account Information

Account Number: 7018842426
Invoice Number: 214573
Invoice Date: 9/7/2022
Page Number: 1

Important Messages

If you have any questions regarding your invoice the second page of the invoice is an overview of how to read the invoice. If after reviewing that document you still require assistance, please contact customer care. Thanks for your business!

Account Summary

Amount of Last Bill:	\$36.86
Payments:	(\$36.86)
Adjustments:	\$0.00
Balance Forward:	\$0.00

Summary of Current Charges

Service Charges:	\$19.90
Usage:	\$0.00
Taxes and Surcharges:	\$16.96
Total Current:	\$36.86

Invoice Total

Grand Total:	\$36.86
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1.5% late fee applies after 30 days

Pay your bill securely via phone or on-line

Bright Sound Communications, Inc Contact Information
Phone: 1.888.416.3763
Hours: 9am - 6pm EST
Email: support@brightsound.net
Visit Us: www.brightsound.net

Please detach and return bottom portion with your payment



FEICKERT WELL DRILLING CO
315 DAKOTA AVE
GOODRICH, ND 58444

Remittance Section

Account Number:	7018842426
Invoice Number:	214573
Invoice Date:	9/7/2022
Payment Due Date:	Due Upon Receipt
Amount Due:	\$36.86
Amount Enclosed:	\$ _____

Make checks payable to:

Bright Sound Communications, Inc
PO Box 1358
Goldenrod, FL 32733-1358

OBSC 7018842426 0000214573 20220907 0000003686 5



Explanation of charges that may appear on your bill

LD - a long distance phone call
 CCRF (Carrier Cost Recovery Fee) - assessed to help recover our costs to comply with various federal programs
 USF (Federal and/or State Universal Service Fund - Assessed to recover our contribution to Federal and/or State Universal Service Fund programs
 PICC (Presubscribed Interstate Carrier Charge) - Collected by us to reimburse costs paid to local telephone companies for connection to their networks
 MAF - a monthly account fee, a fee charged monthly for an open account or service
 MMF - a monthly maintenance fee, a fee charged monthly to maintain an open account or service
 MRC - a monthly recurring charge, a fee charged monthly as part of an account or service
 early termination fee - this fee is not a penalty, but rather is an alternative means for you to perform your obligations under the Agreement that partially compensates us for the fact that the Service Commitment on which your rate plan is based was not completed.

For more detailed information, please visit our web site (listed on the first page of your bill).

Account Information

Account Number: 7018842426
Invoice Number: 214573
Invoice Date: 9/7/2022
Page Number: 3

Transactions Report		
Date	Description	Amount
8/19/2022	Payment	-36.86
	Total:	(\$36.86)

Taxes and Surcharges Summary Report		
Level	Description	Amount
Federal	FCC Cost Recovery Fee	0.07
Federal	Federal Telecommunications Relay Services Ft	0.24
Federal	Federal Telecommunications Relay Services Ft	0.19
Federal	Federal Universal Service Fund	4.22
State	Gross Receipts Telecom Tax	0.77
State	State Sales Tax	0.95
Surcharge	(2) PICC	6.20
Surcharge	Carrier Cost Recovery Fee	4.32
	Total Taxes and Surcharges:	\$16.96

Location Charges Summary Report							
Description:	Voice	Wireless	Internet	Cable	Dedicated	Fixed	Total
Main Location	19.90	0.00	0.00	0.00	0.00	0.00	19.90
Totals:	\$19.90	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$19.90

Location ProductID Summary Report				
ProductID	Charges	Usage	Taxes & Surcharges	Total
Location: Main Location				
7018842426		9.95	0.00	5.86
7018849569		9.95	0.00	5.86
Account Charges		0.00	0.00	5.24
	Location Subtotal:			\$36.86

Location Summary Total: \$36.86

Service Category Summary Report	
Monthly Service Charges	19.90
Service Category Summary Total:	\$19.90

Service Category Report		
Service Category: Monthly Service Charges		
09/07/22	(2) Bright Sound Monthly Maintenance Fe	19.90
	Service Category Summary Total:	\$19.90

