

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Northwest Communications Cooperative,  
a Cooperative Association  
Bright Sound Communications, Inc.  
Complaint

Case No. PU-22-393

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Geralyn R. Schmaltz** 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 2023** she deposited in the United States Mail at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Memorandum**

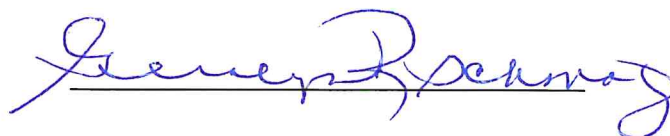
The envelopes were addressed as follows:

Corporation Service Company  
Registered Agent for Bright Sound  
Communications, Inc.  
600 S 2<sup>nd</sup> St Ste 155  
Bismarck ND 58504  
**Cert. No. 7021 2720 0000 4438 6729**

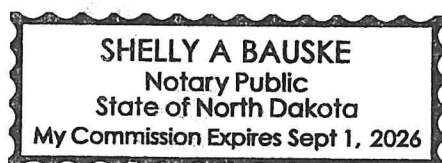
Bright Sound Communications, Inc.  
113 S Monroe St  
Tallahassee FL 32301  
**Cert. No. 7021 2720 0000 4438 7023**


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 2023**.



SEAL



  
Notary Public

# Memorandum

To: Commissioners Christmann, Haugen-Hoffart and Fedorchak

From: Victor Schock, Director of Public Utilities

VS

Date: February 7, 2023

Re: Northwest Communications Cooperative, Bright Sound Communications, Inc.,  
Complaint, Case No. PU-22-393

On October 20, 2022, the Commission received an informal complaint from Jeremy Becker with Northwest Communications Cooperative. 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. On October 24, 2022, the Commission received an informal complaint from Karen Feickert with Feickert Drilling Co alleging a similar violation by BSCI.

On November 23, 2022, Commission Advocacy Staff (Staff) filed a Motion for Cease and Desist Order with the Commission asking the Commission to issue a Cease and Desist against BSCI. This Motion was served upon BSCI on December 1, 2022.

On December 15, 2022, BSCI filed a response to the Motion stating that it had been using an outsourced marketing firm, who was responsible for the misrepresentations. It further stated that they no longer employ the alleged marketing firm and will not utilize them in the future.

On January 17, 2023, Staff sent an information request to BSCI requesting a listing of all BSCI customers in North Dakota by customer/service type. Pursuant to North Dakota Administrative Code Section 69-02-05-12, interrogatories must be responded to within business days unless otherwise agreed to between the parties. As of the date of this memorandum, Staff has received no response from BSCI on the interrogatory.

On February 6, 2023, Staff contacted a customer of Reservation Telephone Cooperative (RTC) based upon a discuss Staff had with RTC concerning continued misrepresentations by BSCI. In the discussion with the RTC customer, it was made clear that the customer had no intention of changing its service from RTC to BSCI. In fact, the customer stated that they had no spoke to anyone from BSCI regarding their phone service, they had simply started receiving bills from BSCI for no apparent reason.

Based on its investigation, Staff believes that the behavior of BSCI has not only continued but progressed to the point that they are not only in violation of NDCC Section 49-21-02.4 by misrepresentation on sales calls, but in fact are now using fraudulent and deceptive practices with the intent that North Dakota consumers blindly pay fictitious bills.

Staff requests a reconsideration of its original Motion for Cease and Desist, penalties, and all other action the Commission feels is warranted given the egregious nature of the actions by BSCI.