

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
Bright Sound Communications, Inc.,
Complaint**

Case No. PU-22-393

EX PARTE CEASE AND DESIST ORDER

February 22, 2023

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. 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.

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 with their current long-distance provider urging them to switch 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.

On November 23, 2022, Advocacy Staff served a Notice to Cease and Desist (Notice) and Motion for an Order to Cease and Desist. The Notice provided the

Commission's intent to deem the allegations admitted and enter a cease and desist order as facts and law may warrant and provided twenty days to file a response and request a hearing. On December 15, 2022, BSCI provided a letter to the Commission that it has ceased marketing in North Dakota and that it had outsourced marketing to a firm to acquire long-distance customers. BSCI provided that the firm violated approved marketing rules and canceled the contract. BSCI provided that it would "do what is needed to resolve" unresolved issues.

On January 17, 2023, Advocacy 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 10 business days after service of the interrogatories. As of February 7, 2023, no response was provided by BSCI.

On February 6, 2023, Advocacy Staff communicated with a customer of Reservation Telephone Cooperative (RTC) concerning continued misrepresentations by BSCI. Advocacy Staff submits that the customer had no intention of changing its service from RTC to BSCI and that they had not spoken to a representative of BSCI. The customer stated that they began receiving bills from BSCI without signing up for service. Staff submits that BSCI's misrepresentations have continued despite the assurances and that fraudulent and deceptive practices with the intent that North Dakota customers pay fictitious bills.

Based upon the Notice provided, no request for a hearing received, and the continued allegations of misrepresentations and fraudulent marketing activities within the state of North Dakota, the Public Service Commission deems an emergency exists

and there is good cause to issue an Ex Parte Cease and Desist Order to protect the public from continued misrepresentation and fraudulent activities.

ORDER

The Commission Orders:

1. An investigation is opened into the actions of BSCI. Staff may take steps, including working with other authorities, in furtherance of an investigation into BSCI.
2. BSCI to Cease and Desist from marketing telecommunications service within the State of North Dakota.
3. BSCI to provide a response to Advocacy Staff's January 17, 2023, interrogatory.
4. Contemporaneously with the Ex Parte Cease and Desist Order, the Commission issues a Notice of Opportunity to be Heard within fifteen days of service of this Order.

PUBLIC SERVICE COMMISSION



Sheri Haugen-Hoffart
Commissioner



Randy Christmann
Chair



Julie Fedorchak
Commissioner

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NOTICE OF OPPORTUNITY FOR HEARING

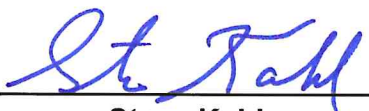
February 22, 2023

On February 22, 2023, the Commission issued an Ex Parte Cease and Desist Order against Bright Sound Communications, Inc., ordering that Bright Sound Communications, Inc. Cease and Desist all marketing of telecommunications services in North Dakota.

You are hereby notified that you have the opportunity to request a hearing on this matter. A request for a hearing must be made in writing and filed with the Commission within fifteen days of service of the Cease and Desist Order.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify the Commission.

PUBLIC SERVICE COMMISSION



Steve Kahl

Executive Secretary