

Service Date: March 3, 2000

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER Of the Cramming) UTILITY DIVISION
Complaints Against Innovative Calling)
Technologies/American Internet) DOCKET NO. D2000.2.26
) ORDER NO. 6233

ORDER TO SHOW CAUSE

WHEREAS, INNOVATIVE CALLING TECHNOLOGIES of 4661 Torrey Lane, Suite 100 is registered as a telecommunications provider with the Montana Public Service Commission; and,

WHEREAS, AMERICAN INTERNET of 1100 Beck Avenue, Panama City, Florida, is doing business in Montana through the auspices of Innovative Calling Technologies and by its contact with at least 725 Montana residents and/or Montana businesses; and,

WHEREAS AMERICAN INTERNET through INNOVATIVE CALLING TECHNOLOGIES charged at least 725 Montanans and/or Montana businesses with collect calls and the Montana PSC has received complaints regarding questionable authority to bill those charges, and,

WHEREAS AMERICAN INTERNET and INNOVATIVE CALLING TECHNOLOGIES appear to be marketing a service by billing an unreasonable amount for a “collect call” to the Montana consumers in order to verify their address for an internet listing they have not previously ordered; and,

WHEREAS the practice of billing an unauthorized product or service to a consumer’s telephone bill is against the law in Montana pursuant to Section 69-3-1303, MCA; and,

WHEREAS THE MONTANA LEGISLATURE granted the Montana PSC authority to investigate and issue civil fines to companies for placing charges for unauthorized services on consumers' telephone bills pursuant to Section 69-3-1305, MCA;

NOW, THEREFORE, IT IS ORDERED THAT Innovative Calling Technologies and American Internet SHALL SHOW CAUSE before the Montana Public Service Commission, at its offices at 1701 Prospect Avenue, Helena, MT 59601-2601, within twenty (20) days after receipt of a copy of this order, served upon them by certified mail, as to why they should not be charged with placing unauthorized charges on Montana consumers' telephone bills (a practice also known as cramming) and fined up to \$1000 per incident in Montana as allowed by Section 69-3-1605, MCA. Innovative Calling Technologies and American Internet may show cause by requesting a hearing before the Commission. If a request for a hearing is received within the twenty (20) days allowed by this order, a hearing will be scheduled at the convenience of the Commission. If no response or request for a hearing on this order is received, the Commission will issue a default order and will schedule a hearing to determine the extent of the fine to be issued and whether or not to notify the Secretary of State to revoke the right of the companies to operate in Montana.

DONE AND DATED this 23rd day of February, 2000, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chairman

NANCY McCAFFREE, Vice-Chair

BOB ANDERSON, Commissioner

GARY FELAND, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)