

Service Date: May 12, 2005

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

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IN THE MATTER OF GOINTERNET.NET,)	UTILITY DIVISION
ET AL. Complaint by the Montana Public Service)	
Commission Regarding Unauthorized Charges)	DOCKET NO. D2002.10.126
on Customers' Telecommunications Bills)	ORDER NO. 6495a

ORDER REVOKING REGISTRATION

Introduction And Background

1. On May 10, 2005 the Montana Public Service Commission (Commission) considered the status of the above captioned docket and took action to revoke the registration of GoInternet and its related affiliates, Mercury and Venus.

2. On October 21, 2004 the Commission entered into a settlement agreement with GoInternet, pursuant to which GoInternet was to, among other things, submit to the Commission an affidavit listing names and addresses of customers in Montana billed by GoInternet; Commission approved notification to customers; cancellation of contracts upon customer request; cessation of solicitation; and pay to the State of Montana a sum of \$10,000 as settlement of all claims the Commission might have against GoInternet. The settlement was entered into after the Commission made a determination that GoInternet had knowingly and repeatedly billed one or more customers for unauthorized service, and that GoInternet was unable to provide verifications of the customers authorization for charges from GoInternet and its affiliates, Mercury and Venus.

3. On December 6, 2004 GoInternet contacted the Commission and indicated that the settlement would no longer be in effect. Based on the information provided to the Commission from GoInternet, the Commission concluded that GoInternet did not intend to comply with the agreement entered into between the Commission and GoInternet.

4. On January 19, 2005 the Commission issued a "Notice of Apparent Non-Compliance, Request for Response and Opportunity to Request Hearing." In the Notice, the

Commission put GoInternet on Notice that its registration would be revoked if it did not respond to the Notice and request a hearing.

5. As of May 10, 2005, GoInternet has not responded to the Notice, nor has a hearing been requested. GoInternet has not provided the Commission with any information in response to the Commission's January 19, 2005 Notice.

Findings Of Fact And Commission Decision

6. Pursuant to §§69-3-1301 through 1316 MCA the Commission may enter penalties upon notice and an opportunity to be heard. GoInternet has failed to comply with the Settlement Agreement, GoInternet has failed to respond to the Commission's Notice, and has not provided information as to why penalties should not be imposed, including revocation of GoInternet's registration with the Commission. GoInternet has not requested a hearing on this matter.

7. The Commission directed GoInternet to respond to its Notice by January 31, 2005, and to set forth any information that the Commission should consider in assessing GoInternet's compliance with the terms of the settlement agreement. GoInternet has not responded to the Commission's Notice.

8. The Commission entered into a settlement agreement with GoInternet, after the Commission determined that GoInternet had knowingly and repeatedly billed one or more customers for unauthorized service, and GoInternet could not verify customers' authorization of such charges. The Commission entered into the settlement agreement for purposes of ensuring that Montana consumers would be made whole and any monies collected from Montana consumers for unauthorized charges would be reimbursed.

9. There remain outstanding complaints from Montana consumers against GoInternet that have not yet been satisfied, and those complaints have been forwarded to the appropriate parties for any reimbursement that may be available under other settlement agreements. Revocation of GoInternet's registration will not affect the Commission's ability to pursue remedies under Montana law or as otherwise available.

10. The Commission concludes that GoInternet has knowingly and repeatedly billed

one or more Montana consumers for unauthorized service, and GoInternet has not been able to verify customers' authorization for charges placed by GoInternet, and that consequently revocation of GoInternet's registration is proper, and that effective immediately, GoInternet's registration with the Montana Commission shall be revoked.

Conclusions of Law

1. The Commission has authority to supervise, regulate and control public utilities. Section 69-3-102, MCA.
2. Before doing business in Montana, GoInternet is required to register with the Commission and to provide the requested information to the Commission. Section 69-3-1311, MCA.
3. The Commission has authority to do all things necessary and convenient in the exercise of the powers granted to it by the Montana Legislature and to regulate the mode and manner of all investigations and hearings of public utilities and other parties before it. Section 69-3-103, MCA.
4. Adequate notice and an opportunity to be heard has been provided to GoInternet, as required by §69-3-1311(6), MCA.
5. The Commission may revoke the registration of a service provider pursuant to §69-3-1311(7), MCA. Upon revocation of registration, the Commission shall provide notice as required by ARM 38.5.4202(9).

Order

THEREFORE, based upon the foregoing, it is ORDERED that the registration of GoInternet and its affiliates Mercury and Venus is hereby revoked.

DONE AND DATED this 10th day of May 2005, by a vote of 5 to 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

GREG JERGESON, Chairman

BRAD MOLNAR, Vice Chairman

DOUG MOOD, Commissioner

ROBERT H. RANEY, Commissioner

THOMAS J. SCHNEIDER, Commissioner

ATTEST:

Judy Scheier
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.