

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendraye	Chair
Marshall Johnson	Commissioner
Ken Nickolai	Commissioner
Thomas Pugh	Commissioner
Phyllis A. Reha	Commissioner

In the Matter of the Joint Complaint of the Minnesota Department of Commerce and Minnesota Office of Attorney-General-Residential and Small Business Utilities Division against Vilaire Communications Company

ISSUE DATE: May 9, 2006

DOCKET NO. P-6400/C-06-395

ORDER FINDING JURISDICTION, FINDING GROUNDS TO INVESTIGATE AND REQUIRING ANSWER

PROCEDURAL HISTORY

On March 15, 2006, the Minnesota Department of Commerce (the Department) and the Residential and Small Business Utilities Division of the Minnesota Office of the Attorney General (RUD-OAG) filed a joint complaint against Vilaire Communications Company (VCI).¹ The Complaint alleged that VCI committed multiple violations of the Minnesota Telecommunications Act and related Commission rules.

The Complaint alleged that VCI failed to disclose price and service options and customer rights; failed to comply with the Commission's deposit rules and basic service requirements; and failed to comply with tariffing requirements. The Complaint alleged that VCI had knowingly and intentionally violated the statutes and rules listed below and sought monetary penalties under Minn. Stat. § 237.462:

- Minn. Stat. § 237.66
- Minn. Stat. § 237.121(a)(3)
- Minnesota Rules 7812.0600, sub.1(c)
- Minnesota Rules 7812.1000
- Minnesota Rules 7812.1500
- Minnesota Rules 7812.1600
- Minnesota Rules 7812.2210, sub. 2

¹ Attached hereto as Exhibit A.

FINDINGS AND CONCLUSIONS

I. Filing Requirements

The Commission has reviewed the Complaint and finds that it fully meets the filing requirements of Minnesota Rules 7829.1700.

II. Jurisdiction

The Commission has reviewed the formal Complaint of the Department and the RUD-OAG and finds that it has jurisdiction over VCI's provision of intrastate telecommunications services under Minnesota Statutes Chapter 237, including the following specific grants of jurisdiction: Minn. Stat. §§ 237.16, 237.081, 237.461, 237.462, and 237.74.

III. Grounds to Investigate

The Commission further finds that there are reasonable grounds to investigate the allegations raised in the Complaint. The formal Complaint in this matter alleges that by failing to disclose information and customer rights to its customers, VCI has violated numerous Minnesota statutes and rules.

The issues in this case are whether VCI has violated Minnesota statutes and rules in that it has allegedly failed to disclose its prices, terms of service and customer rights to its end users, and, if it has, what remedial action the Commission should take.

IV. Service of the Complaint

Having concluded that it has jurisdiction and that investigation is warranted, the Commission will serve the formal complaint on VCI, together with an order requiring the Company to file an answer within 20 days. Minn. Rule 7829.1800, sub. 2 and 4.

V. Interested Parties

Interested parties may submit initial comments within 30 days of the Commission's order and reply comments within 10 days of the end of the initial comment period.

The parties shall address the above issues in the course of this proceeding. They may also raise and address other issues relevant to the Complaint.

ORDER

1. The Commission hereby accepts the Complaint as meeting the filing requirements.
2. The Commission finds that it has jurisdiction over this matter.
3. The Commission finds that there are reasonable grounds to investigate this matter.
4. The Commission hereby serves the attached Complaint on VCI.
5. The Commission hereby orders VCI to file an answer to the Complaint within 20 days of the service date of the Commission order.
6. Initial comments by interested parties shall be filed within 30 days of this order.
7. Reply comments shall be filed within 10 days of the end of the initial comment period.
8. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Hair
Executive Secretary

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