

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayer	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

ISSUE DATE: April 19, 2007

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

ORDER APPROVING SETTLEMENT AND DISMISSING COMPLAINT

**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). The Complaint alleged that VCI committed multiple violations of the Minnesota Telecommunications Act and related Commission rules.

On May 9, 2006, the Commission issued an Order finding jurisdiction and requiring VCI to file an answer.

On May 26, 2006, VCI filed an Answer generally denying the allegations contained in the Complaint.

On June 12, 2006, the Department filed comments reiterating its position that VCI had violated Minnesota law but indicated that the parties were attempting to negotiate a settlement.

On June 29, 2006, VCI filed reply comments asserting that the Complaint should be dismissed.

On March 12, 2007, the RUD-OAG, the Department and VCI filed a settlement agreement with the Commission.

**FINDINGS AND CONCLUSIONS**

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<sup>1</sup> and sought monetary penalties under Minn. Stat. § 237.462.

The stipulation and agreement reached by the parties requires VCI, among other things, to:

- 1) Disclose in its customer notice the price of all service options available to customers including the connection charge of \$120.00;
- 2) Submit for the Department and RUD-OAG's review any changes to its price or service options requiring a revision of its customer notice;
- 3) Explicitly disclose the amount of VCI's connection charge on any television or other advertising broadcast run in Minnesota.

The settlement will be in effect for two years from the date approved by the Commission.

No one objected to the proposed stipulation and agreement or dismissal, and the Commission concurs that dismissal of the Complaint is appropriate.

### **ORDER**

1. The stipulation and agreement filed in this matter on March 12, 2007, is approved.
2. The Complaint against VCI is dismissed with prejudice, and this docket is hereby closed.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

(S E A L)

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<sup>1</sup> Minn. Stat. §§ 237.66 and 237.121(a)(3); Minnesota Rules 7812.0600, sub.1©, 7812.1000, 7812.1500, 7812.1600, and 7812.2210, sub. 2.