

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the complaint of the)
MICHIGAN PUBLIC SERVICE COMMISSION)
STAFF against ACCUTEL COMMUNICATIONS,)
INC., ADVANTAGE PLUS, SPRINT, RSL COM)
U.S.A., f/k/a ONE STEP BILLING, and VISTA)
COMMUNICATIONS/VISTA GROUP INTER-)
NATIONAL.)
_____)

Case No. U-12545

At the January 23, 2001 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Laura Chappelle, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

ORDER

On August 1, 2000, the Commission Staff (Staff) filed a complaint against Accutel Communi-
cations, Inc. (Accutel), Advantage Plus, Sprint Communications Company L.P. (Sprint), RSL Com
U.S.A., Inc. (RSL), and Vista Communications/Vista Group International (Vista) alleging an
unauthorized switch in service providers for Mary Nowack and Nowack Real Estate, Inc. On
October 10, 2000, the Staff and Sprint signed a settlement agreement. On October 12, 2000, the
Staff and Vista signed a settlement agreement. On October 16, 2000, the Staff and RSL signed a
settlement agreement. In the settlement agreements, the respondents agreed to compensate the
customers, and the Staff agreed that the complaint could be dismissed as to those respondents. On

November 6, 2000, Administrative Law Judge Barbara A. Stump (ALJ) issued a Proposal for Decision (PFD) as to the remaining respondents. In the PFD, the ALJ found that Advantage Plus had switched the customers' service without authorization and that Accutel and Advantage Plus had imposed charges for services the customers had not ordered.

On November 20, 2000, the Commission issued an order dismissing the complaint as to the three respondents that had entered into the settlement agreements. The remaining two respondents did not file exceptions to the PFD.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 et seq.; MSA 22.1469(101) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACRS, R 460.17101 et seq.
- b. The PFD is supported by the record, and should be adopted.

THEREFORE, IT IS ORDERED that:

- A. The Proposal for Decision, attached as Exhibit A, is adopted.
- B. Within 30 days, Accutel Communications, Inc., shall pay a fine to the State of Michigan of \$43,600.
- C. Within 30 days, Advantage Plus shall pay a fine of \$105,000, with \$4,000 to be paid to the customers and the balance to the State of Michigan, pursuant to MCL 484.2506(2)(c); MSA 22.1469(506)(2)(c).
- D. Accutel Communications, Inc., and Advantage Plus shall cease and desist from violations of the Michigan Telecommunications Act.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ Laura Chappelle
Chairman, abstaining.

(S E A L)

/s/ David A. Svanda
Commissioner

/s/ Robert B. Nelson
Commissioner

By its action of January 23, 2001.

/s/ Dorothy Wideman
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

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Suggested Minute:

“Adopt and issue order dated January 23, 2001 adopting the Proposal for Decision and imposing sanctions on Accutel Communications, Inc., and Advantage Plus for the unauthorized switch in service providers, as set forth in the order.”