

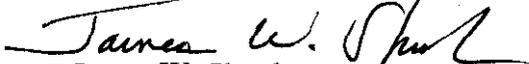
Enforcement Bureau Inquiry Letter/Registration

748. Attachment L is a true and correct copy of a Letter of Inquiry sent by Colleen K. Heitcamp, Chief, Telecommunications Consumers Division to Business Options, Inc. dated November 1, 2002 (“Letter of Inquiry”).
749. Attachment M is a true and correct copy of BOI’s response to the Letter of Inquiry (“Response”).
750. Since March 1, 2001, BOI has been and continues to be a telecommunications carrier that has provided interstate telecommunications service.
751. At no time has BOI filed an FCC Form 499-A (Telecommunications Reporting Worksheet) with the Commission.
752. BOI’s response to question 3 of the Letter of Inquiry – “During this period no one representing BOI has changed the preferred carrier as specified in the complaints in Attachment A.” – was untrue.
753. The BOI employee who drafted the response quoted in request 752 knew that the response was untrue when the response was drafted.
754. When she signed the cover letter to the Response dated December 9, 2002, Shannon Dennie knew that the response quoted in request 752 was untrue.

755. When BOI sent the Response to the Commission, BOI Management knew that the response quoted in request 752 was untrue.

Respectfully submitted,
David H. Solomon
Chief, Enforcement Bureau


Maureen F. Del Duca
Chief, Investigations and Hearings Division


James W. Shook
Attorney


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Federal Communications Commission
445 12th Street, S.W., Room 3-B443
Washington, D.C. 20554
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May 27, 2003

CERTIFICATE OF SERVICE

Makia Day, a staff assistant with the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 27th of May, 2003, sent by first class United States mail copies of the foregoing "Enforcement Bureau's Request for Admission of Facts and Genuineness of Documents" to:

Dana Frix, Esq. (also by email)
Hawa Kemal, Esq.
Chadbourne & Parke, LLP
1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036
Counsel for Business Options, Inc.

* Chief Administrative Law Judge Richard L. Sippel
Federal Communications Commission
445 12th Street, S.W., Room 1-C864
Washington, D.C. 20054


Makia Day

* Hand delivered.

ATTACHMENT A

Cassette Received: 6/21/02

Transcript of Recording - Conversation between
Paul Brackett and Verification Company
Business Options, Inc. Order (Date: 01-04-02)
(CAD # 2002-13157; Acct. # 207-474-2170)

[Conversation joined in progress]

Verifier: ... and I'm calling from Great Lakes Verification Company, sir, to verify your long distance order, okay? Uh, this phone call is being recorded at 12:58 on 01-04-02 is the date. I show your name as Paul Brackett, correct?

Mr. Brackett: That's right.

Verifier: Sir, you are authorized and are giving permission to Business Options to change your long distance phone service, correct?

Mr. Brackett: Well, what's that changing business ... *[inaudible]*?

Verifier: Well, your local phone company will stay the same. Business Options will become your long distance carrier in order to get your discounted rate. And you understand that for \$4.90 per month you are guaranteed seven cents per minute when calling state-to-state.

Mr. Brackett: Uh-huh.

Verifier: So you understand all that, right?

Mr. Brackett: Uh-huh.

Verifier: Okay. And, um, the name on your local phone bill is showing as Paul Brackett, the address is 189 North Avenue in Squawhagan, Maine, is that how I say it?

Mr. Brackett: Skowhegan.

Verifier: Oh, thank you. *[laughter]* And that's 04976, is that ...?

Mr. Brackett: Uh-huh.

Verifier: Okay. Now to confirm, sir, that I spoke with you today, may I please have the month and day of your birth?

Mr. Brackett: Mine?

Verifier: Yes.

Mr. Brackett: Uh-huh, got one coming up -- 17th of this month.

Verifier: Wonderful.

Mr. Brackett: 1915.

Verifier: Wonderful, thank you, sir. Well, happy birthday early to you, okay? It's right around the corner, isn't it?

Mr. Brackett: Yep.

Verifier: Okay, this ... sir, this con ... uh, concludes the verification. I want to thank you for your time, you have a nice day and a happy birthday to you.

Mr. Brackett: All right. Thank you.

Verifier: Thank you, sir. Bye, now.

Mr. Brackett: Bye.

[End of recording.]

MAINE PUBLIC UTILITIES COMMISSION
ADMINISTRATIVE TRACKING SYSTEM
Consumer Assistance Division

ATS820

CAD Case File Report

Case Identification: 2002 - 13157

Issue Type: CAD CASE - COMPLAINT - SLAMMING/BOTH

Issue Description: CHANGE OF CARRIER W/O CUST. OK

Disputed Amount:

Issue Notes:

6/17/02: Bruce is the nephew who has Power of Attorney for his deceased Uncle, Paul-pls call Bruce w/any ?'s

On 5/14 Bruce had canceled LD svc w/BOI

On 5/23 recd new billing statement from VZ and new charges were on the bill from BOI - no authorization had been given take over the intra & interstate svc

This tel # listed for his deceased Uncle will be in service but the home is vacant

ATTACHMENT B

Cassette Received: 05-13-02

Transcript of Tape - Conversation between
Laura Crowley (for Norman Crowley) and Verifier
re: Business Options, Inc. Order (Date: 01-29-02)
(CAD # 2002-12734; Acct. # 207-375-8155)

[Tape starts with a lot of noise on customer's end]

Mrs. Crowley: [speaks to someone else - Gees, I'm trying to do something here!]
Hello?

Verifier: Hi, Laura?

Mrs. Crowley: Yes?

Verifier: This is Barbara, I'm calling from Great Lakes Verification to verify your long distance order.

Mrs. Crowley: Yes.

Verifier: This phone call's being recorded, is that okay?

Mrs. Crowley: What?

Verifier: This phone call's being recorded, is that okay?

Mrs. Crowley: Yeah.

Verifier: Okay. It's, uh, 2:10 in the afternoon, January 29th, and it's a Tuesday.

Mrs. Crowley: Uh-huh.

Verifier: You sound like you have your hands full over there.

Mrs. Crowley: Yeah, I do.

Verifier: Oh, God. [laughter] Then your name is Laura Crowley, is that correct?

Mrs. Crowley: Right.

Verifier: Okay. You are authorized and giving permission for Business Options to change your long distance phone service, is this correct?

Mrs. Crowley: Yes.

Verifier: Okay. Uh, do you understand that the Super Saver Long Distance product is provided by Business Options and Business Options is not your local phone company, is that correct?

Mrs. Crowley: Yes.

Verifier: You understand that for \$4.90 per month you are guaranteed seven cents per minute when you're calling state-to-state, is this correct?

Mrs. Crowley: Right.

Verifier: Okay, hon. Uh, the name on your local phone bill is Norman Crowley, is that...?

Mrs. Crowley: Right.

Verifier: Okay. Uh, your billing address is 8 Valley View, uh, how do you pronounce your city?

Mrs. Crowley: Sabattus.

Verifier: Thank you. Maine! *[laughter]* Okay, Laura, in order to confirm we had this phone conversation, can I have your month and date of birth?

Mrs. Crowley: Right.

[Gap of silence here]

Verifier: Hello?

Mrs. Crowley: Yes?

Verifier: Can I have your month and date of birth?

Mrs. Crowley: Uh, 11-17-28.

Verifier: Thank you, ma'am, and you have a good day, okay? Try to have a good day, okay?

Mrs. Crowley: Okay. Is that ... is that gonna be billed extra or is that...?

Verifier: No, that'll come in with your local phone bill.

Mrs. Crowley: Okay, what's that gonna cost now?

Verifier: Pardon?

Mrs. Crowley: What's that gonna cost now?

Verifier: What is that gonna cost now? Well, it's seven cents per minute when calling state-to-state.

Mrs. Crowley: Okay.

Verifier: Okay?

Mrs. Crowley: Right. That's not gonna change the phone bill, though?

Verifier: It's not gonna change the phone bill ... I don't understand what you ... what you mean.

Mrs. Crowley: Well, they said that, uh, 15% lower.

Verifier: If that's what she said ... see I'm just verifying what she told you.

Mrs. Crowley: Oh, okay.

Verifier: You know I'm just a verifier ...

Mrs. Crowley: All right.

Verifier: ... that's why I'm recording.

Mrs. Crowley: All right.

Verifier: Okay?

Mrs. Crowley: Okay.

Verifier: Have a good day.

Mrs. Crowley: You, too.

Verifier: Bye.

Mrs. Crowley: Bye.

[End of recording.]

ATTACHMENT C

Cassette Received: 5/06/02

**Transcript of Recording - Conversation between
Mrs. Guptill (for Donald Guptill) and Verification Company
Business Options, Inc. Order (Date: 02-28-02)
(CAD # 2002-12706; Acct. # 207-698-1850)**

Verifier: Hi, this is Antoinette, I'm calling from, I'm calling from Great Lakes Verification. I was just calling to verify the long distance order, is that okay?

Mrs. Guptill: Yes. [very faint]

Verifier: The phone call is being recorded, the time is 8:44, today is February the 28th, 2002. And you are authorized and giving permission to Business Options to change the long distance phone service for area code 207-698-1850, correct?

Mrs. Guptill: Yes.

Verifier: You do understand that the Super Saver Long Distance product is provided by Business Options and Business Options is not your local phone company, correct?

Mrs. Guptill: Right.

Verifier: You also understand for \$4.90 a month you are guaranteed seven cents per minute when calling state-to-state, correct?

Mrs. Guptill: [inaudible]

Verifier: The name on the local phone bill is Donald A. Guptill, the billing address is 387 Diamond Hill Road, Berwick, Maine, 03901.

Mrs. Guptill: Yes.

Verifier: And to confirm I spoke with you today, can I have the month and day of your birthday, please?

Mrs. Guptill: My birthday ... 6-3-27. [lots of background noise]

Verifier: June the 20, uh, June the 3rd, 1927?

Mrs. Guptill: Yes.

Verifier: Okay, this concludes the verification. I'd like to thank you so much for your time. You have a great day.

Mrs. Guptill: Thank you.

Verifier: Thank you. Bye-bye.

[End of recording.]

ATTACHMENT D

Cassette Received on: 06-17-02

Transcript of Recording - Conversation between
Laurie Hart and Verifier
Business Options, Inc. Order (Date: _____)
(CAD # 2002-13126; Acct. # 207-862-6202)

[Conversation joined in progress]

Verifier: *[inaudible]* My name is Antoinette, I'm calling from Great Lakes Verifications, I was just calling to verify the long distance order, would that be okay with you?

Ms. Hart: Yes, it would. *[voice faint] [background noise]*

Verifier: Okay, the phone call's gonna be recorded, the time is 4:17, today is February the 28th, 2002. And you are authorized and giving permission to Business Options to change the long distance phone service for area code 207-862-6202, correct?

Ms. Hart: Yes.

Verifier: And you do understand that the Super Saver Long Distance product is provided by Business Options, and Business Options is not your local phone company, correct?

Ms. Hart: That is correct.

Verifier: You also understand for \$4.90 a month you are guaranteed seven cents a minute when calling state-to-state, correct?

Ms. Hart: Yes.

Verifier: The name on the local phone bill is Laurie Hart, the billing address is 10 Riverview Road, and is Hampden, Maine, 04444?

Ms. Hart: Yes.

Verifier: And to confirm I did speak with you, can I have the month and day of your birth, please?

Ms. Hart: 11-26-58.

Verifier: 11-26-58?

Ms. Hart: Uh-huh.

Verifier: Okay, this concludes the verifications. Thank you so much for your time, you have a great day, okay?

Ms. Hart: You're welcome.

Verifier: Thank you.

Ms. Hart: Bye-bye.

Verifier: Bye-bye.

[End of recording.]

MAINE PUBLIC UTILITIES COMMISSION
ADMINISTRATIVE TRACKING SYSTEM
Consumer Assistance Division

ATS820

CAD Case File Report

Case Identification: 2002 - 13126

Issue Type: CAD CASE - COMPLAINT - SLAMMING/BOTH

Issue Description: CHANGE OF CARRIER W/O CUST. OK

Disputed Amount:

Issue Notes:

6-13-02

cust. calling to report that she has been slammed to USBI
she doesn't have any other info at this time, her bill only says USBI
I advised that USBI was a billing agent and that I would have to find out who the carrier is
in April, she received a call from someone stating they were from ATT
the customer has ATT for her interstate provider
the person stating they were from ATT told her that her service plan was going to be changed and
she was calling to make the customer aware of the changes
the person said that her plan was going to increase to 60 cpm for all calls if she didn't agree to
change to a new plan. The customer agreed to change her plan to reflect the rates she has
always paid before. She was under the impression that she would still have service with ATT but
that her plan had changed.
cust. received a bill in May for \$125; she noticed charges on the bill from USBI; she didn't really
look at the bill that closely and paid the bill
then later on that week, she received a letter from ATT asking why she had changed the service.
She called ATT and was shocked to find out she wasn't a cust. of theirs anymore
ATT said they would change her back
today, she got another bill for \$158 with charges from USBI
she called her LEC, TDS, and they said that ATT was not her carrier
she was changed to Qwest in April, then back to ATT, then on 5-9 the service went to Qwest
TDS will change cust. back to her original carrier and put a freeze on the line

ATTACHMENT E

Cassette Received on: 06-17-02

Transcript of Recording - Conversation between
Beatrice Violette (for Robert Violette) and Verifier
Business Options, Inc. Order (Date: 02-20-02)
(CAD # 2002-13110; Acct. # 207-564-2478)

[Conversation joined in progress]

Mrs. Violette: Yes, this is she.

Verifier: Mrs. Violette, my name is Ida. I'm calling from Great Lakes Verification Company to confirm your long distance order, hon.

Mrs. Violette: Yes.

Verifier: The call's being recorded, the time is 9:52 a.m., 2-20-02.

Mrs. Violette: Okay.

Verifier: And you did authorize and you gave permission for Business Options to change your long distance phone service, correct?

[No response from customer]

Verifier: Is that correct, hon?

Mrs. Violette: Yes.

Verifier: You understand that Business Options is not your local company, correct?

Mrs. Violette: Yes.

Verifier: You understand that \$4.90 a month would guarantee you seven cents per minute when you are calling state-to-state?

Mrs. Violette: Yes.

Verifier: And the phone is still listed under Beatrice Violette, 120 South Street, and that's in Dover-Foxcroft, Maine?

Mrs. Violette: Uh-huh.

Verifier: And to confirm this, hon, all I need is the month and day of your birthday.

Mrs. Violette: 8-28.

Verifier: Okay, this does confirm the verification. I do thank you for your time, and you have a great day.

Mrs. Violette: You, too.

Verifier: Thank you.

Mrs. Violette: Bye-bye.

Verifier: Bye-bye.

Verifier: *[to someone else:]* Check this out ...

[End of recording.]

ADMINISTRATIVE TRACKING SYSTEM
Consumer Assistance Division

ATS820

CAD Case File Report

Case Identification: 2002 - 13110

Issue Type: CAD CASE - COMPLAINT - SLAMMING/BOTH

Issue Description: CHANGE OF CARRIER W/O CUST. OK

Disputed Amount:

Issue Notes:

6/12/02: April 2002 Mrs. recd call from representative from USBI (BOI) who said they were calling from Verizon

USBI (BOI) rep said could be on cheaper rate & did she want to sign up for that plan

Cust not sure what the rep was asking her or what she was agreeing to

Has VZ for LEC - Pine Tree Calling for in-state LD

Called both companies on May 14th - USBI (BOI) said her svc would be canceled

Mrs. spoke to USBI (BOI) this am - supv to call her back regarding what took place

ATTACHMENT F

STATE OF VERMONT
PUBLIC SERVICE BOARD

Petition of the Department of Public Service)	
for Investigation of and Sanctions Against)	
Business Options, Inc.)	Docket No. 6729
Under 30 V.S.A. § 30 For Violation)	
of Vermont Statutes and Public Service)	
Board Rules and Orders)	

FINAL STIPULATION FOR RESOLUTION OF ALL OUTSTANDING MATTERS <

Petitioner Department of Public Service ("DPS") and Respondent Business Options, Inc. ("BOI"), by and through their undersigned representatives, stipulate and move as follows:

WHEREAS, DPS filed a Petition commencing the above-referenced docket (the "Petition") on June 13, 2002;

WHEREAS, in accordance with a Stipulation filed by the parties, the Public Service Board (the "Board") issued a Preliminary Injunction on August 28, 2002;

WHEREAS, the parties have engaged in negotiations designed to resolve all outstanding issues between them; and

WHEREAS, BOI has agreed to cease providing service in Vermont in conformance to the requirements of 47 CFR § 63.71;

WHEREAS, the parties have reached an agreement as to an appropriate and reasonable method for resolving all outstanding issues between them.

NOW, THEREFORE, it is hereby stipulated and moved as follows:

1. BOI shall, upon Board approval of this agreement, initiate the procedure outlined in 47 CFR § 63.71 for terminating service to Vermont customers who currently are being served by BOI. A copy of the form of the letter to be sent by BOI to