

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**
500 East Capitol Building, Pierre SD 57501

RECEIVED

SEP 29 2009

COMPLAINT

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Complainant(s) (Person filing the complaint)		Respondent(s) (Person or Company complained against) At a minimum, the name of the company	
Name	Eunice Caldwell	Utility Company	EMAIL DISCOUNT NETWORK
Address	915 Preston Place	Contact Person	
City, State, Zip	Pierre SD 57501	Address	
Work Phone	605 773-4919	City, State, Zip	
Home Phone	605 224-0583	Phone	1-800-730-8199
Cellular Phone		Fax	

If the Complainant is represented by an attorney, please list the attorney's name, address, telephone number and fax number below: (If Complainant is not represented by an attorney, please leave blank:)

These are the facts giving rise to my complaint:

My recent bill dated 7/10/09 seemed larger than usual, so I checked through the charges. I noticed the charge from EMAIL DISCOUNT NETWORK for "non-telecommunications services and products..." The amount was \$14.95. The language about the services was ambiguous so I called the vendor. The person who answered the phone said that I had ordered several coupons for discounted e-mail services. I told her I had not ordered them, that I did not have a home computer or a personal e-mail address. She told me there was documentation of my order and the charges were for those services. However, she refused to discontinue them. All I had to do was make the next two payments, and the vendor would send me a refund. I told her that was not acceptable and that I would not be paying the charges. I asked for her name and address, she told me her name was Kathleen and she was from the Philippines. I decided to check with Consumer Affairs to see what my options were. They immediately started research to get information and discovered through Quest that I had been paying that amount for 2-3 months. Consumer Affairs Staff contacted the vendor and billing agent for documentation about my alleged order, with little result. They informed me of the formal complaint process.

Please complete the reverse side of this document

NOTE: Please attach additional pages, if necessary, to explain your situation. Also enclose copies of any bills or other documents which may pertain to your complaint.

RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following remedy. (What do you think the Commission should do to solve your complaint? Be specific in your request for a resolution.)

Quest has been reducing my phone bill by the amount of disputed charges, it would be nice if they were reimbursed by Email Discount Network.

Mainly, I'd like to see this company and its billing agent on a watch list or somehow monitored. I want to prevent this from happening to someone else.

NOTE: Please attach any additional pages, if necessary

AFFIRMATION STATEMENT

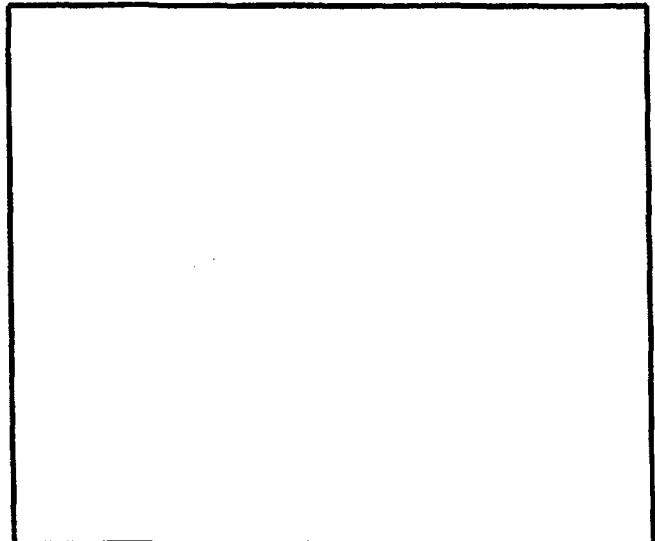
I hereby affirm that these statements are true and accurate to the best of my knowledge.

Louise Caldwell

Complainant's Signature(s)

September 28, 2009

Date





Visit qwest.com

EUNICE CALDWELL

Bill Date: Jul 10, 2009

Account Number: [REDACTED]



Balance Forward	New Charges	Total Amount Due	Due Date for New Charges
\$0.00	\$63.10	\$63.10	Jul 30, 2009

Account Summary

Previous Balance		
Charges		87.81
Payment	Thank you for your payment	87.81
Balance Forward		\$0.00
New Charges		
Qwest		36.12
	For questions call 1-800-244-1111	
AT&T		13.03
	For questions call 1-800-222-0300	
ESBI ETS		14.95
	For questions call 1-888-302-3724	
Total New Charges		\$63.10
TOTAL AMOUNT DUE		\$63.10

007042 1/3

Save every month when you bundle qualifying local package, long distance, high-speed internet, digital TV and wireless services. Contact us for a **FREE ACCOUNT REVIEW** to find out how much you can save by bundling with Qwest. Some services not available in all areas. Call 1 800.471.8325.

Qwest, P O Box 91154, Seattle, WA 98111-9254

1 2 3 4 6



EUNICE CALDWELL
 Bill Date: Jul 10, 2009
 Account No:
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For questions, call 1-888-302-3724

<http://www.billview.com/esbi/>

ENHANCED TELECOMMUNICATIONS SERVICES

THE CHARGES ON THIS PORTION OF YOUR BILL ARE FOR NON-TELECOMMUNICATIONS SERVICES AND PRODUCTS. YOU HAVE THE RIGHT TO DISPUTE THESE CHARGES, IF YOU FEEL THEY ARE NOT LEGITIMATE. NEITHER LOCAL NOR LONG DISTANCE SERVICES CAN BE DISCONNECTED FOR NONPAYMENT OF THESE CHARGES. THE SERVICE PROVIDERS THAT BILL THESE TYPES OF CHARGES MAY EMPLOY OTHER AGENCIES TO COLLECT THESE CHARGES, EVEN IF QUEST HAS PREVIOUSLY ADJUSTED THEM FROM YOUR BILL.

MISCELLANEOUS CHARGES AND CREDITS

NO. ITEM
 THE FOLLOWING TRANSACTION IS BILLED ON BEHALF OF:
EMAIL DISCOUNT NETWORK
 FOR QUESTIONS & RATES, CALL 1-800-730-8199

JUN 19	1.	EMAILDISCOUNT NTHK MOFEE		14.95
		(MISCELLANEOUS CHARGES AND CREDITS SUBTOTAL	14.95)	14.95

TOTAL ESBI ETS CHARGES	14.95
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THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO ESBI.

Fathleen 14220
- Philippines

Pay 14.95 X 2 - they will
refund both charges

September 18, 2009

Public Utilities Commission
Consumer Affairs Division
State Capitol
Pierre, SD 57501

Attention: Vicki Burns

Dear Ms. Burns:

This letter will verify that I asked you to look into a charge on my telephone bill from Qwest for the amount of \$14.95. The charge was a monthly fee for unsolicited e-mail services and products from Email Discount Network. I did not order any products from this company, I do not even have a personal computer or e-mail address.

I contacted the company to ask that the charges be removed, and I reached an answering service in the Philippines. It was apparent the individual on the phone there was only able to give me scripted information and a recommendation for an unacceptable resolution to pay the bill and they would send me a refund. I felt the need to discuss the situation with an authority, so asked for guidance from PUC.

Thank you for your assistance in investigating this matter.

Sincerely,


Eunice Caldwell



Dustin Johnson, Chair
Steve Kolbeck, Vice Chair
Gary Hanson, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

Capitol Office
(605) 773-3201
1-866-757-6031 fax

Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

July 28, 2009

Eunice Caldwell
915 Preston Place
Pierre, SD 57501

Dear Eunice,

This letter is to inform you that I have contacted Qwest on your behalf pertaining to the charges that you have been billed for from ESBI Telecommunications in the amount of \$14.95 per month.

After further review of your past billing statements Qwest had found that you were billed in May, June and July from the same company. Each month you were charged \$14.95. Qwest did confirm that these are third party charges. I have asked that Qwest recourse these charges amounting to \$44.85 and I have requested a future billing block from this provider on your behalf. The block that has been put on your account should catch this next month's charges. When you receive your billing statement for this next month look over the statement and make sure that there are no more charges from this company. If there are charges, contact me and I will contact Qwest to have them recourse those charges also.

I want to thank you for contacting our office and letting me assist you with this matter. If I can be of assistance to you in the future please do not hesitate to give me a call.

Sincerely,

Vicky Burns
Consumer Affairs Representative
SD Public Utilities Commission