



Dustin Johnson, Chair
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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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February 21, 2007

North Shore Marketing
PO BOX 368
Malden, MA 02149

Re: IN THE MATTER OF NORTH SHOREE MARKETING'S FAILURE TO
REGISTER AS A TELEMARKETER AND THE SOLICITATIONS IT MADE
TO THOSE REGISTERED ON THE DO NOT CALL LIST

Enclosed please find a copy of Staff's Motion for an Order to Show Cause in the above captioned matter. This is intended as service upon you by certified mail.

Very truly yours,

Kara Van Bockern
Staff Attorney

Enc.

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF NORTH SHORE)	MOTION FOR ORDER TO
MARKETING'S FAILURE TO REGISTER AS)	SHOW CAUSE
A TELEMARKETER AND THE)	
SOLICITATIONS IT MADE TO THOSE)	TC07-013
REGISTERED ON THE DO NOT CALL)	
REGISTRY)	

Comes now the Staff of the South Dakota Public Utilities Commission (Commission), pursuant to SDCL 49-31-99 through SDCL 49-31-108 and ARSD 20:10:35, and moves the Commission to issue an Order to Show Cause, pursuant to 20:10:01:45, in the above-entitled manner. By this Motion, Staff requests that the Commission assess up to the maximum civil monetary fine against North Shore Marketing ("North Shore") and require it to cease calling those individuals registered on the South Dakota Do Not Call Registry (the "Registry"). In support of this Motion, Staff asserts as follows:

BACKGROUND

On January 9, 2007, the Consumer Affairs Division ("Consumer Affairs") of the Commission received a complaint regarding a telephone solicitation made by North Shore despite the complaining individual's presence on the Registry. The complainant received a telephone solicitation from a North Shore representative. The representative called for the sole purpose of selling the TV Guide product. The consumer previously placed its phone number on the Registry and did not have a current business relationship with either TV Guide or North Shore Telemarketing.

Staff corresponded with North Shore and requested information to better understand the company, its structure and whether it violated the South Dakota Do Not Call rules. North Shore responded via telephone and adamantly denied violation of any law or rule. It admitted to Staff, however, that: (i) it is not registered as a telephone solicitor in South Dakota and (ii) that it made an unsolicited telephone call to sell a product to a South Dakota resident. Further, North Shore

indicated it did not intend to change its telemarketing practices. Staff informed North Shore of its violations and requested a written denial of the charges, in the event it wished to defend the allegations. North Shore did not submit a written response.

Staff now seeks the Commission's assistance to both prevent future violations of the Do Not Call rules, and to enforce them in this particular situation. Aside from its disregard of the Registry, North Shore did not pay the annual fee as SDCL 49-31-105 requires. North Shore disregarded the rules and refused to acknowledge the Consumer Affairs role in enforcement. Staff requests up to the maximum fine assessed against North Shore.

ARGUMENT IN SUPPORT OF MOTION

1. The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-7.1, 49-31-99 through 49-31-108 and ARSD Chapter 20:10:35.
2. Pursuant to 20:10:01:45, this Motion has been served by certified mail upon North Shore at P. O. Box 368 Malden, MA 02149-0368. The purpose of this service is to give notice of the facts and conduct which warrant Staff's request that the Commission issue up to the maximum fine of up to Five Thousand Dollars (\$5,000) per offense pursuant to 49-31-108 and require North Shore to immediately cease soliciting individuals listed on the Registry.

It is Staff's position that North Shore is guilty of the following:

- a) Failure to pay the annual fee as required in SDCL 49-31-105;
- b) Failure to institute procedures that comply with the provisions of the South Dakota Do Not Call statutes as SDCL 49-31-99 requires;
- c) Failure to obtain the Registry as is required by SDCL 49-31-102; and,
- d) The placing of unsolicited telephone calls under SDCL 49-31-99.

Pursuant to 20:10:01:45, an Affidavit from Deb Gregg, Consumer Affairs Manager of the Commission is attached and will be served via certified mail on North Shore. Consistent with the allegations in this Affidavit, Staff requests the Commission serve notice that the following issues will be heard by the Commission:

1. Whether North Shore violated the above Do Not Call statutes; and,
2. What penalties, if any shall be imposed if North Shore is found guilty of such violations.

Signed and dated this 21st day of February, 2007



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