

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

IN THE MATTER OF UNAUTHORIZED LONG)	ORDER FOR AND NOTICE
DISTANCE CHARGES MADE BY RADICAL)	OF SHOW CAUSE HEARING
PERSSON, INC. D/B/A ECHURCH NETWORK)	
AND ILAB TECHNOLOGIES AND FOR THEIR)	TC06-190
FAILURE TO OBTAIN CERTIFICATES OF)	
AUTHORITY IN SOUTH DAKOTA)	

SDCL 49-31-89 through SDCL 49-31-96 establishes the South Dakota Public Utilities Commission's (Commission) authority regarding unsolicited and unwanted charges or additions to consumer telephone bills. Telecommunication companies may not change or add products to a consumer's telecommunication bill without express authority from the consumer to add or change the service. The practice of adding unsolicited telephone services to a consumer's bill is known as "Cramming," the subject of this Order.

On September 27, 2006, the Consumer Affairs Division ("Consumer Affairs") of the Commission began an investigation of alleged Cramming, potentially affecting over seventy businesses. All affected consumers were billed for a one minute, fifty dollar (\$50) long distance charge from companies known as either eChurch Network or iLab Technologies. Both companies are under management and control of Radical Persson, Inc., the parent company. None of the affected consumers authorized the charges. None of the listed companies have a Certificate of Authority to provide telecommunication services.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-7.1, 49-31-89 through 49-31-96 and ARSD Chapter 20:10:34. On November 28, 2006, the Commission heard Staff's request that an Order to Show Cause be issued against Radical Persson, Inc. for violations of South Dakota Cramming rules. An Order to show why Radical Persson, Inc. did not violate the South Dakota statutes for the charging of unauthorized services was granted unanimously by the Commissioners.

Radical Persson, Inc. shall appear on March 20, 2007, at 9:30 A.M. (CDT) in Room 464, State Capitol Building, 500 E. Capitol, Pierre, South Dakota, to show cause why action should not be taken against Radical Persson, Inc. for failure to comply with SDCL Chapter 49-31. The hearing is being held pursuant to the Commission's jurisdiction over telecommunication companies as found in SDCL 49-31-89 through 49-31-96 and 49-31-3.

The issue at the hearing is whether the Commission shall impose the civil penalty available in SDCL 49-31-94; or to take any other enforcement actions against the Company allowed by law.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether to issue civil penalties, or take any other enforcement actions against the Company allowed by law.

The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a show cause hearing in the matter of Radical Persson, Inc. shall be held on March 20, 2007, at 9:30 A.M. (CDT) in Room 464, State Capitol Building, 500 E. Capitol, Pierre, South Dakota.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 1st day of March, 2007.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.
By: <u><i>Arlaine Kelbo</i></u>
Date: <u>3/1/07</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Jay Hanson
GARY HANSON, Commissioner

Steve Kolbeck
STEVE KOLBECK, Commissioner