

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of adversely affecting	)	Application No. C-781
the telephone service of others and	)	
use of the telephone for unlawful	)	ORDER TO CEASE
purposes by Rainwood Audio Text, aka	)	AND DESIST
Rainwood Marketing, aka Integrated	)	
Information Service, aka Bruce	)	
Abraham of Omaha, Nebraska.	)	ENTERED: August 29, 1989

BY THE COMMISSION:

The Commission has received evidence which indicates that Rainwood Audio Text, aka Rainwood Marketing, aka Integrated Information Services, aka Bruce Abraham, Omaha, Nebraska has and is using telephone service in such a manner as to adversely affect the telephone service of others and for unlawful purposes.

Local telephone service in question is furnished by U.S. West Communication and long distance service is furnished by AT&T Communications and MCI Communications.

On July 19, 1989, the Commission received a letter from Steve Beatty, Assistant Director of Communications, Baton Rouge General Medical Center, Baton Rouge, Louisiana as a follow up to a conversation with Herb Sherdon, Director of Communications, stating that they were receiving recorded solicitations in their hospital from Rainwood Audio Text (Marketing), Omaha, Nebraska. The letter documents written and verbal requests to Rainwood Audio Text to discontinue calling the hospital lines. The letter addresses the life threatening potential this may cause and cites the Louisiana State Law, R.S. 51:1741-1743 which the solicitations are in violation of. (Exhibit A)

On August 21, 1989, the Commission received a sworn affidavit from Mr. Thomas F. Kenny, Senior Consumer Complaint Analyst, Department of Agriculture and Consumer Services, Division of Consumer Service, Tallahassee, Florida. On August 11, 1989, he had received a complaint from The State of Florida, Department of General Service that the switchboard operators for the State of Florida were receiving automated solicitation telephone calls from 1-900-USA-TRIP, Rainwood Audio Text. Mr. Kenny contacted Rainwood Audio Text to inform them that they were directly interfering with the operation of state government by locking up the phone lines and prohibiting access to the state government by telephone. On or about Wednesday, August 16, 1989, the use of Rainwood Audio Text equipment was resumed and again had the state switchboard tied up. The office again communicated with Rainwood Audio Text by phone and again affirmed that their use of this equipment was in violation of Florida Law. (Exhibit B)

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On August 21, 1989, the Commission received a sworn affidavit from Glenn W. Mayne, Director of Communications, Tallahassee, Florida which confirmed with the operators that Rainwood Audio Text, through automated devices, is causing an undue workload and disruption of service by dialing numbers that ring into operator intercept and giving unrequested and unsolicited advertising material. (Exhibit C)

On August 23, 1989, the Commission received a sworn affidavit of William J. Howell, Jr. Chief, Consumer Litigation Section, Florida Attorney General's Office, Miami, Florida, which states the following: The Attorney General is the chief law enforcement officer in the State of Florida. On or about Monday, August 14, 1989, the Division of Consumer Services reported that unsolicited automated solicitation telephone calls were being received in the State of Florida. Affiant contacted Mr. Bruce Abraham by telephone and advised him that the automated telephone solicitation being employed by Rainwood Auto text (sic) was in violation of Florida Statute 365.165 and Florida Statute 501.059. Affiant furthermore advised Mr. Abraham to cease immediately. (Exhibit D)

Pursuant to Commission Rule and Regulation 002.16 Refusal of Service and Disconnection. Access line service may be refused or disconnected for the following reason: 002.16A1 Without notice in the event of customer use of equipment in such a manner as to adversely affect the access line service to others.

On August 29, 1989 Mr. Bruce Abraham appeared before the Commission and the Commission finds:

This matter be set for hearing on at 11:00 a.m. on September 18, 1989, in the Commission Hearing Room, Lincoln, Nebraska.

The above mention subscribers shall cease and desist all unlawful activity and any evidence of unlawful activity shall be grounds for immediate disconnection by any Nebraska telephone carrier.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that this matter is set for hearing at 11:00 a.m. on September 18, 1989, in the Commission Hearing Room, Lincoln, Nebraska.

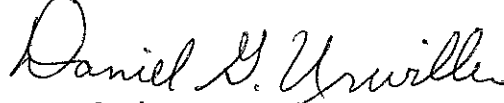
IT IS FURTHER ORDERED that the above mention subscribers shall cease and desist all unlawful activity and any evidence of unlawful activity shall be grounds for immediate disconnection by any Nebraska telephone carrier.

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MADE AND ENTERED in Lincoln, Nebraska, this 29th day of August, 1989.

NEBRASKA PUBLIC SERVICE COMMISSION

  
Chairman

COMMISSIONERS CONCURRING:

//s//Duane D. Gay  
//s//Frank E. Landis, Jr.  
//s//James Munnelly  
//s//Eric Rasmussen  
//s//Daniel G. Urwiller

ATTEST:

  
Executive Director