

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Richard)
D. Peterson,)
)
Complainant,)
)
v.) Case No. 07-59-TP-CSS
)
International Satellite Communications,)
)
Respondent.)

ENTRY

The Commission finds:

- (1) On January 22, 2007, Richard D. Peterson (Mr. Peterson or complainant) filed a complaint against International Satellite Communications (International Satellite). In his complaint, Mr. Peterson alleges that while he was on vacation in Freeport, Bahamas he made two 20-minute collect telephone calls from a hotel to his office in Ohio. He states that International Satellite charged him \$126.19 for each call. In addition, he alleges that he made five calls, totaling 35 minutes, to his residence in Ohio at a cost of \$274.50.

Mr. Peterson alleges that there was no notice concerning the price or cost of the calls. When he complained to the company, International Satellite offered a credit of \$100 for each account. Even with the credit, Mr. Peterson believes that the cost for the calls is too high.

- (2) To date, International Satellite has not responded to the complaint.
- (3) The complaint fails to establish that the Commission has jurisdiction. Before it can proceed to hear a complaint, the Commission must have jurisdiction over the subject matter and the parties. Mr. Peterson's complaint is against a nonresident for claims that arose outside of Ohio. In our review, the complaint does not set forth sufficient facts to establish that the Commission has jurisdiction over International Satellite.

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International Satellite does not appear as public utility in the Commission's records. Nor is it apparent that International Satellite is otherwise a public utility as defined in Chapter 4905, Revised Code. Because Mr. Peterson made calls from a foreign country, the Commission, generally speaking, would have no jurisdiction over the provider or the services that it provides in that foreign country. That the call terminated in Ohio does not, by itself, establish the minimum contacts that would serve as a basis for asserting jurisdiction. From the facts pleaded in the complaint, this matter cannot proceed to hearing because the Commission lacks personal jurisdiction over International Satellite.

Going beyond a lack of personal jurisdiction, the complaint does not indicate to what extent, if any, that the Commission has subject matter jurisdiction. International Satellite, for example, could be a voice over Internet protocol provider, in which case it would not be subject to the jurisdiction of this Commission.¹ Without subject matter jurisdiction, the Commission cannot proceed to hear the complaint. Owing to the lack of clarity of whether the Commission has personal or subject matter jurisdiction, the complaint should be dismissed.

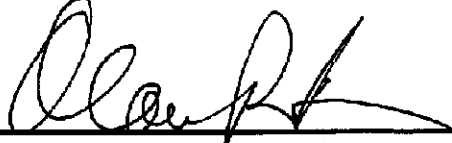
It is, therefore,

ORDERED, That the complaint is dismissed for lack of jurisdiction. It is, further,

¹ *In the Matter of Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, WC Docket No. 03-211 (Memorandum Opinion and Order, Adopted November 9, 2004; released November 12, 2004).

ORDERED, That a copy of this Entry be served upon the complainant, International Satellite, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus


Valerie A. Lemmie

Donald L. Mason

LDJ/vrm

Entered in the Journal

APR 18 2007



Renee J. Jenkins
Secretary