

FILE

AUG-10-2009 MON 03:30 PM CLEAR RATE

FAX NO. 2485564501

P. 05

09-647-TP-CSS

FAX



RECEIVED-DOCKETING DIV.  
2009 AUG 10 PM 3:57  
PUCO

RE: Connie Smith  
2325 Lonesome Rd  
West Union OH 45693

To whom it may concern:

This letter is in response to the complaint filed against Clear Rate Communications regarding Connie Smith. I have reviewed Mr. and Mrs. Smith's account thoroughly. Mr. and Mrs. Smith had a total of four lines with Clear Rate Communications, all billed at \$44.99 a month, not including the taxes and surcharges. At this time, Mrs. Smith's account is inactive with Clear Rate Communications and has been sent to collections for the outstanding balance of \$840.03 for services used and early termination fees on the four unlimited state-to-state long distance plans.

- 9/8/2008 Mrs. Smith was contacted by our sales representative and offered our Straight Talk package for the lines 937-549-2639 and 937-549-4591. Mrs. Smith completed a Third Party Verification and Quality Assurance call authorizing the switch to Clear Rate Communications and agreeing to our terms and conditions, including a one-year commitment on the unlimited state-to-state long distance plans.
  - The Straight Talk package includes unlimited local and unlimited long distance in the domestic US, along with Caller ID, Call Waiting, Call Waiting ID, Inside Wire Maintenance, and Voice Mail. The package rate is \$44.99 a month, not including the governmental taxes and surcharges.
- 9/10/2008 Mrs. Smith's line 937-549-2639 became active with Clear Rate Communications, Inc.
- 9/11/2008 Mrs. Smith's line 937-549-4591 became active with Clear Rate Communications, Inc.
- 10/6/2008 Mrs. Smith called requesting to have a new line of service activated at a new location. We advised Mrs. Smith there was a one-time fee of \$59 to activate a new line of service and the general timeframe to complete the order was 1-7 business days. Mrs. Smith requested the Straight Talk Package and was advised there was a one-year commitment on the unlimited state-to-state long distance plan on the new line. Mrs. Smith completed a third party verification file authorizing Clear Rate Communications to activate and provide service to the new line and agreeing to a one-year commitment on the unlimited state-to-state long distance plan.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

Technician TM Date Processed 8/10/2009

- 10/6/2008 Mrs. Smith's new line of service, 937-544-7647, became active with Clear Rate Communications, Inc.
- 11/5/2008 Mrs. Smith called requesting to have a new line of service activated at yet another new location. We advised Mrs. Smith there was a one-time fee of \$59 to activate a new line of service and the general timeframe to complete the order was 1-7 business days. Mrs. Smith requested the Straight Talk Package and was advised there was a one-year commitment on the unlimited state-to-state long distance plan on the new line. Mrs. Smith completed a third party verification file authorizing Clear Rate Communications to activate and provide service to the new line and agreeing to a one-year commitment on the unlimited state-to-state long distance plan.

Mrs. Smith also stated she would require wiring and jacks installed at the new location. We advised Mrs. Smith we could dispatch out an inside wire technician at \$119 per hour, with a 1 hour minimum. Mrs. Smith stated she would call back to schedule the appointment.

- 11/6/2008 Mrs. Smith's new line of service, 937-549-2564, became active with Clear Rate Communications, Inc.
- 11/11/2008 Mrs. Smith's long distance services were temporarily suspended due to high toll. Mrs. Smith had an outstanding balance of \$176.21, along with a current invoice of \$71.29 for her new line of service. Mrs. Smith was advised payment would be required within 5 days to prevent the interruption in her local services.
- 11/11/2008 Mr. Smith called stating his newest line, 937-549-2564, was not working. Mr. Smith stated he needed wiring ran at the new location but would not agree to the charges. Mr. Smith stated he would just cancel his services and disconnected the call.
- 11/12/2008 Mr. Smith called stating he would be switching his services to another provider. We advised Mr. Smith of the one-year commitments on the unlimited state-to-state long distance plans of the four lines and the early termination fees that would apply to the account for breaking those commitments. Mr. Smith stated he understood.
- 11/18/2008 We received an electronic provider notification advising Mrs. Smith had switched her services to a new local and long distance provider for the line 937-549-2639 as of 11/16/2009 and early termination fees were applied to the unlimited state-to-state long distance plan.
- 11/22/2008 We received an electronic provider notification advising Mrs. Smith had switched her services to a new local and long distance provider for the line 937-549-4591 as of 11/20/2009 and early termination fees were applied to the unlimited state-to-state long distance plan.
- 11/27/2008 We received an electronic provider notification advising Mrs. Smith had switched her services to a new local and long distance provider for the line 937-5447647 as of

11/17/2009 and early termination fees were applied to the unlimited state-to-state long distance plan.

- 12/2/2008 Mrs. Smith's local services for line 937-549-2564 were temporarily suspended for non-payment. Mrs. Smith had an outstanding balance of \$500.96. Mrs. Smith was advised to make a payment within 15 days to avoid the disconnection of her services.
- 12/17/2008 Mrs. Smith's services for line 937-549-2564 were disconnected due to non-payment and early termination fees were applied to the unlimited state-to-state long distance plan.
- 5/23/2009 Mrs. Smith's account was sent to collections for the outstanding balance of \$840.03.

I spoke with Ms. Smith on 8/5/2009 and we have reached an agreement. In return for Ms. Smith withdrawing her complaint, Clear Rate Communications is willing to eliminate all four early termination fees assessed to the unlimited state-to-state long distance plans, as well as all charges for services on the line 937-549-2564. Ms. Smith stated she was satisfied with the resolution and would contact the PUCO today to withdraw her complaint.

Clear Rate Communications has removed the charges and Ms. Smith's account now reflects a balance of \$325.72. Clear Rate Communications will update the account with our collections agency RDK, and Ms. Smith stated she will send payment for the balance today. Clear Rate Communications has been happy to work with Ms. Smith and we consider this matter to be resolved. If Ms. Smith has any questions she may contact our customer service department at 877-877-4799 if she would like to do so. If you have any questions, please feel free to contact me directly at 248-556-4526.

Thank you,

Meghan LaRoque  
Clear Rate Communications, Inc.  
24700 Northwestern Hwy Suite 340  
Southfield, MI 48075  
Telephone: (877) 877-4799  
Fax: (877) 877-5225  
[mlaroque@clearrate.com](mailto:mlaroque@clearrate.com)

09-647-TP-CSS

The Public Utilities  
Commission of OhioJSM1061709Y2  
Case NumberPublic Utilities Commission of Ohio  
Attn: Docketing  
180 E. Broad St.  
Columbus, OH 43215

## Formal Complaint Form

Connie J. Smith  
Customer Name2325 Lonesome Rd.  
Customer AddressWest Union Ohio 45693  
City State Zip

Against

4780472  
Account NumberClear Rate  
Utility Company Name

Customer Service Address (if different from above)

City State Zip

Please describe your complaint. (Attach additional sheets if necessary)

RECEIVED-DOCKETING DIV  
2009 JUL 27 PM 4:12  
PUCOConnie J. Smith  
Signature1-937-549-2700  
Customer Telephone Number

Connie J. Smith  
2325 Lonesome Road  
West Union, Ohio 45693

July 22, 2009

In August of 2008, I received a call from Clear Rate Communications, Inc. offering phone service for a flat rate of \$44.99 a month with no hidden charges or fees. I was currently with Verizon and paying approximately \$200.00 a month. Clearly Clear Rate was offering a great deal, and with having a business to operate I decided to give Clear Rate a try. I had two phone lines switched to Clear Rate immediately, (937-549-2639 and 937-549-4591)

When I received the first phone bill, it was for \$87.88 for the two lines I had switched. This was such a great deal; I decided to have my sons phone service switched to Clear Rate, as well as another line at a farm I was working at which had no service at the time. The address to the farm is 6723 State Route 41, Manchester, Ohio 45144.

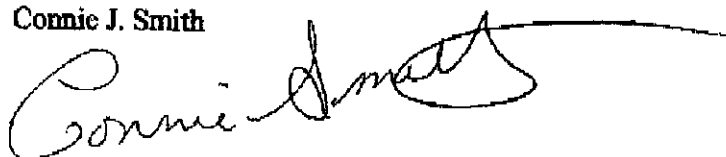
In November of 2008 our Long Distance was cut off with no warning and my bill was \$247.50. I immediately contacted Clear Rate about my phone service. I was informed that any time my bill went over \$200.00 my long distance phone service would be cut off. I then asked about the charges for phone service at 6723 State Route 41, which were on the bill, I explained to them that phone service had not been installed at this property. I was then informed that Clear Rate would not have charged me if the line was not installed. I then asked to speak with a supervisor, I was told that I was speaking with a supervisor. This supervisor said they would send a service man out to check the line, but I would be charged for a service call. I told them this was unacceptable and I wanted to discontinue their service immediately. Shortly thereafter I received a bill for \$500.96. In December of 2008 I received another bill for \$773.90.

In June of 2009 I received a letter from RDK Collection Services. I called RDK and spoke with a Mr. James Brown. Mr. Brown stated that I needed to write a letter if I questioned or disputed the validity of this bill.

The phone service for 6723 State Route 41, was never ran and was never put into service, the phone number for this property which is being charged for is listed under Clear Rate records as (937-549-2564). I do not feel I am responsible for any charges on this line or the early termination fees on the other three lines. Clear Rate did not uphold their end of the contract and is therefore not my responsibility.

I would like to get this matter settled. I will be glad to pay what is justifiably owed.

Connie J. Smith





## *The Public Utilities Commission of Ohio*

*Monitoring marketplaces and enforcing rules to assure safe,  
adequate, and reliable utility services.*

Ted Strickland, Governor  
Alan R. Schriber, Chairman

**Commissioners**

Ronda Hartman Fergus  
Valerie A. Lemmie  
Paul A. Centolella  
Cheryl Roberto

July 28, 2009

Clear Rate Communications, Inc.  
Sam Namy, CFO  
24700 Northwestern Highway  
Southfield, MI 48075

Case No: 09-647-TP-CSS

Dear Mr. Namy:

Enclosed is a copy of a complaint filed with the Public Utilities Commission of Ohio. In accordance with Rule 4901-9-01 of the Ohio Administrative Code (revision effective April 4, 1996), you are hereby directed to file an answer to the complaint with the Commission, and serve a copy of your answer upon the complainant(s), within 20 days after July 28, 2009.

In addition to your answer, you may also file any motion that you find to be appropriate.

THE PUBLIC UTILITIES COMMISSION OF OHIO

A handwritten signature in cursive script, reading "Renee J. Jenkins", is written over a horizontal line.

Renee J. Jenkins, Secretary  
Betty McCauley, Acting Secretary  
Mariruth Wright, Acting Secretary

Enclosure  
RJJ/pwk