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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

In the Matter of )  
)  
Petition of Gregory Manasher, )  
Frida Sirota and NECC Telecomm )  
)  
On Referral by the United States )  
District Court for the Eastern )  
District of Michigan )  
)  
for Declaratory Ruling )  
Concerning Unjust And )  
Unreasonable Practices )  
Under 47 U.S.C. § 201(b). )

File No. \_\_\_\_\_

To: The Commission

**PETITION FOR DECLARATORY RULING**

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## INTRODUCTION

The following questions have been referred to the Commission by the United States District Court for the Eastern District of Michigan (Hon. Sean F. Cox) in the case of *Manasher v NECC Telecomm* (Case No. 2:06-cv-10749):

## QUESTIONS PRESENTED

1. To the extent that billing information is deemed to be unclear, rather than misleading or deceptive, under 47 C.F.R. §64.2401(b), would such a violation of 47 C.F.R. §64.2401(b) also violate 47 U.S.C. §201(b)?
2. Does listing charges on a phone bill without also providing an accompanying description of what those charges are:
  - a. Violate 47 C.F.R. §64.2401(b)?
    - i. If so, would this violation constitute the provision of:
      - (1) misleading billing information and/or;
      - (2) deceptive billing information and/or;
      - (3) unclear billing information?
    - ii. If so, and if this violation constitutes only unclear – but not also misleading or deceptive – billing information, would this violation also violate 47 U.S.C. §201(b)?
3. Does listing a charge for a “recurring fee” without providing an explanation on the bill as to what a “recurring” fee is:
  - a. Violate 47 C.F.R. §64.2401(b)?
    - i. If so, would this violation constitute the provision of:
      - (1) misleading billing information and/or;

- (2) deceptive billing information and/or;
    - (3) unclear billing information?
  - ii. If so, and if this violation constitutes only unclear – but not also misleading or deceptive – billing information, would this violation also violate 47 U.S.C. §201(b)?
- 4. Does charging \$4.99 for what is called a “recurring fee” (without a description) for being late and a 1.5% charge which is called a “late fee”:
  - a. Violate 47 C.F.R. §64.2401(b)?
    - i. If so, would this violation constitute the provision of:
      - (1) misleading billing information and/or;
      - (2) deceptive billing information and/or;
      - (3) unclear billing information?
    - ii. If so, and if this violation constitutes only unclear – but not also misleading or deceptive – billing information, would this violation also violate 47 U.S.C. §201(b)?
- 5. Does charging \$4.99 for what is called a “recurring fee” (without a description) for receiving a special rate:
  - a. Violate 47 C.F.R. §64.2401(b)?
    - i. If so, would this violation constitute the provision of:
      - (1) misleading billing information and/or;
      - (2) deceptive billing information and/or;
      - (3) unclear billing information?
    - ii. If so, and if this violation constitutes only unclear – but not also

misleading or deceptive – billing information, would this violation also violate 47 U.S.C. §201(b)?

6. Does listing a charge for “other fees” without providing an explanation on the bill as to what “other fees” are:

a. Violate 47 C.F.R. §64.2401(b)?

i. If so, would this violation constitute the provision of:

(1) misleading billing information and/or;

(2) deceptive billing information and/or;

(3) unclear billing information?

ii. If so, and if this violation constitutes only unclear – but not also misleading or deceptive – billing information, would this violation also violate 47 U.S.C. §201(b)?

7. Does the improper charging and collection of a late fee without refunding the late fee after discovery of the error unless a customer requested a refund:

a. Violate 47 C.F.R. §64.2401(b)?

i. If so, would this violation constitute the provision of:

(1) misleading billing information and/or;

(2) deceptive billing information and/or;

(3) unclear billing information?

ii. If so, and if this violation constitutes only unclear – but not also misleading or deceptive – billing information, would this violation also violate 47 U.S.C. §201(b)?

8. Does the incorrect tallying of monthly charges (the amount billed to the customer

is greater than the tally of the individual charges):


a. Violate 47 C.F.R. §64.2401(b)?


i. If so, would this violation constitute the provision of:


- (1) misleading billing information and/or;
- (2) deceptive billing information and/or;
- (3) unclear billing information?

ii. If so, and if this violation constitutes only unclear – but not also misleading or deceptive – billing information, would this violation also violate 47 U.S.C. §201(b)?

Respectfully submitted,

  
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