

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Zoom-i-Net Communications, Inc.	)	File No.: EB-TCD-16-00021657
	)	FRN: 0009619438

**ADMONISHMENT ORDER**

**Adopted: May 17, 2016**

**Released: May 17, 2016**

By the Division Chief, Telecommunications Consumers Division:

**I. INTRODUCTION**

1. We hereby admonish Zoom-i-Net Communications, Inc. (Zoom-i-Net or Company) for failing to comply with a Federal Communications Commission (FCC or Commission) subpoena to produce certain information and documents. The document request was in connection with an Enforcement Bureau (Bureau) investigation into the Company's compliance with the Communications Act (Act) and the Commission's rules (Rules) regarding potential violations of Sections 201(b) and 258 of the Act and Section 64.1120 of the Rules regarding slamming and cramming. We also admonish Zoom-i-Net for failing to provide current contact information for its listed agent for service of process. In addition, we order Zoom-i-Net to report to the Bureau within thirty (30) calendar days why the Commission should not (1) determine that Zoom-i-Net lacks the qualifications to hold Commission authorizations, (2) initiate proceedings against Zoom-i-net to revoke its Commission authorizations, or (3) issue an order declaring that the Company's authorizations have terminated.

**II. BACKGROUND**

2. Zoom-i-Net is a non-facilities based interexchange carrier that is authorized to provide domestic and international long distance telecommunications service.<sup>1</sup> Zoom-i-Net's President is Jane Helein Scott.<sup>2</sup> The Bureau initiated an investigation of Zoom-i-Net based on complaints from consumers alleging that Zoom-i-Net charged them for long distance service without their authorization. On June 8, 2015, the Bureau issued a subpoena to the Company seeking information and documents about Zoom-i-

<sup>1</sup> Zoom-i-Net's address of record, as provided on the Company's FCC Form 499-A filed March 3, 2015, is 14170 Clubhouse Road, Gainesville, Virginia 20155. Jane Helein Scott is listed on the FCC Form 499-A as Zoom-i-Net's president and the person who completed the worksheet. *See* Zoom-i-Net 2015 FCC Form 499-A Telecommunications Reporting Worksheet (Reporting 2014 Revenue) at 8 (filed Mar. 3, 2015) (on file in EB-TCD-13-00007004) (Zoom-i-Net 2015 499-A). The Company also provided a second address in its filings with the Commission: 3050 Royal Blvd. South, Suite 175, Alpharetta, Georgia 30022. Zoom-i-Net's agent for service of process listed on the FCC Form 499-A is Charles H. Helein, The Helein Law Group, PLLC, 1220 Daviswood Drive, McLean, Virginia 22101. Zoom-i-Net has authorization under Section 214 of the Act, to provide resold domestic and international telecommunications services. *See* 47 U.S.C. § 214; *International Authorizations Granted, Section 214 Applications* (47 CFR § 63.18); *Cable Landing License Applications* (47 C.F.R. § 1.767; *Requests to Authorize Switched Services over Private Lines* (47 C.F.R. § 63.16); *Section 310(b)(4) Requests*, ITC-214-19990720-00471, Public Notice, DA 99-1661 (Aug. 20, 1999).

<sup>2</sup> *See* Zoom-i-Net 2015 499-A at 8. Luis Cipriani is listed as Zoom-i-Net's vice president. *Id.* *See also* Zoom-i-Net 2016 FCC Form 499-A Telecommunications Reporting Worksheet (Reporting 2015 Revenue) at 8 (filed Mar. 1, 2016) (Zoom-i-Net 2016 499-A) (listing Jane Helein Scott as Zoom-i-Net's president).

Net's business and its practices related to the provision of telecommunications services.<sup>3</sup> The subpoena also sought information and documents related to Zoom-i-Net's submission of carrier change requests and charges it placed on consumers' telephone bills. The subpoena ordered the Company to produce consumer complaints and evidence that it had complied with the Commission's verification procedures prior to switching consumers' long distance service providers.<sup>4</sup>

3. Zoom-i-Net's response to the subpoena was due July 8, 2015. The subpoena was mailed to Zoom-i-Net's address in Alpharetta, Georgia, but was returned to the Commission on June 30, 2015. The Bureau then sent the subpoena to the Company's headquarters address of 14170 Clubhouse Road, Gainesville, Virginia 20155, as listed on the Company's FCC Form 499-A.<sup>5</sup> Ms. Helein Scott, Zoom-i-Net's president, signed for the subpoena on August 14, 2015; however, neither she nor any other representative of Zoom-i-Net provided a response to the subpoena. The Bureau sent Zoom-i-Net a letter at the same Gainesville address on September 28, 2015, ordering the Company to provide full and complete responses to the subpoena within seven days and warning Zoom-i-Net of the consequences for failing to do so.<sup>6</sup> The certified mailing of the Warning Letter was refused and returned to the Commission. The Warning Letter was also sent to Zoom-i-Net's listed agent for service of process, the Helein Law Group, PLLC, which was received on October 13, 2015.<sup>7</sup>

4. On October 13, 2015, Charles Helein of the Helein Law Group, PLLC faxed a letter to the Bureau, stating that his firm had not represented Zoom-i-Net since the beginning of 2012, had not been contacted by the Company for any legal representation since that time, and "has no knowledge of its operations or its management."<sup>8</sup> Mr. Helein also stated that Helein Scott "has been listed as President of the Company but has not worked for the company since April 2013."<sup>9</sup> Mr. Helein also asserted that "[a]lthough listed as President, Ms. Scott's duties did not involve any substantive managerial duties . . . [a]t no time did Ms. Scott have any direct contact with any of [Zoom-i-Net's] owners or operators and . . . made no decisions on, and had no knowledge of, its operations, marketing, customer care, etc."<sup>10</sup> Mr. Helein stated that based on information from a former independent accountant for Zoom-i-Net, "the company ceased doing business on or about March 31, 2015;" however, "in checking, the firm could find

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<sup>3</sup> See Subpoena to Zoom-i-Net Communications, Inc., FCC File No. EB-TCD-13-00007004 (June 8, 2015) (on file in EB-TCD-13-00007004) (Subpoena).

<sup>4</sup> Subpoena at 7.

<sup>5</sup> See Zoom-i-Net 2015 499-A at 1.

<sup>6</sup> See Letter from Richard A. Hindman, Chief, Telecommunications Consumers Division, FCC Enforcement Bureau, to Jane M. Scott, President, Zoom-i-Net and the Helein Law Firm, PLLC, Agent for Service of Process for Zoom-i-Net (Sept. 28, 2015) (on file in EB-TCD-13-00007004) (Warning Letter). The Warning Letter was also e-mailed to the Company's president at the e-mail address Zoom-i-Net provided in Commission filings. See Zoom-i-Net 2015 499-A at 2. The Warning Letter included the June 8, 2015, subpoena to Zoom-i-Net.

<sup>7</sup> Section 1.47(h) provides that "[e]very common carrier . . . shall designate an agent in the District of Columbia, and may designate additional agents if it so chooses, upon whom service . . . may be made for and on behalf of such carrier . . . Each Telecommunications Reporting Worksheet filed annually by a common carrier . . . must contain a name, business address, telephone or voicemail number, facsimile number, and, if available, Internet e-mail address for its designated agents . . . Carriers . . . must notify the Commission within one week of any changes in their designation information." 47 CFR § 1.47(h). See also 47 U.S.C. § 413; 47 CFR § 64.1195.

<sup>8</sup> See Letter from Charles H. Helein, Esq., the Helein Law Firm, PC, 43674 Warbler Square, Leesburg, VA 20176, to Richard A. Hindman, Chief, Telecommunications Consumers Division, FCC Enforcement Bureau (Oct. 13, 2015) (on file in EB-TCD-13-00007004) (Helein Letter). The name and address of Charles Helein's law firm in the Helein Letter was different from the information provided on Zoom-i-Net's FCC Form 499-A. See Zoom-i-Net 2015 499-A at 2.

<sup>9</sup> Helein Letter at 2.

<sup>10</sup> *Id.*

no evidence of the company having followed the Commission's procedures for doing so."<sup>11</sup> Mr. Helein claimed that "neither Ms. [Helein] Scott nor anyone with [the Helein law firm] have any of the materials covered by the Commission's subpoena and never have had any such materials."<sup>12</sup> In any case, the letter response from Mr. Helein did not answer the subpoena's inquiries and was not supported with a sworn statement by Mr. Helein attesting to the truth and accuracy of his statements about Ms. Helein Scott's company.

### III. DISCUSSION

5. We find that Zoom-i-Net violated a Commission order when it failed to respond to a Commission subpoena to produce certain information and documents in connection with the Bureau's investigation of Zoom-i-Net for potential violations of the Act and Rules related to slamming and cramming.<sup>13</sup> We also find that Zoom-i-Net violated Section 1.47(h) of the Rules by failing to notify the Commission of an address change for its designated agent for service of process.

6. Sections 218, 403, and 409(e) of the Act give the Commission broad power to compel carriers such as Zoom-i-Net to provide information and documents in connection with investigations into a carrier's compliance with the Act and Rules. Section 218 authorizes the Commission to "obtain from . . . carriers . . . full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created."<sup>14</sup> Section 403 states that "[t]he Commission shall have the same powers and authority to proceed with any inquiry . . . including the power to make and enforce any order or orders in the case, or relating to the matter or thing concerning which the inquiry is had."<sup>15</sup> Section 409(e) provides that the Commission "shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation."<sup>16</sup> Finally, the Rules authorize the Bureau to issue non-hearing related subpoenas for any records relevant to an investigation.<sup>17</sup>

7. The subpoena directed to Zoom-i-Net was a legal order of the Commission to produce the requested documents and information.<sup>18</sup> The Bureau mailed the subpoena to both addresses of record for Zoom-i-Net.<sup>19</sup> The service was completed by Zoom-i-Net's president, Jane Helein Scott, who signed for the document, and Zoom-i-Net failed to respond.<sup>20</sup>

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<sup>11</sup> *Id.* at 1.

<sup>12</sup> *Id.* at 2.

<sup>13</sup> "Slamming" is the submission or execution of a preferred carrier change without proper authorization verified in compliance with the Commission's verification rules. *See* 47 U.S.C. § 258; 47 CFR § 64.1120 *et seq.* "Cramming" is the unjust and unreasonable practice of charging consumers on their telephone bill for services that they did not authorize. *See* 47 U.S.C. § 201(b).

<sup>14</sup> *Id.* § 218.

<sup>15</sup> *Id.* § 403.

<sup>16</sup> *Id.* § 409(e); *see also id.* § 154(i) (authorizing the Commission to "issue such orders, not inconsistent with this [Act], as may be necessary in the execution of its functions").

<sup>17</sup> 47 CFR § 0.111(h).

<sup>18</sup> 47 U.S.C. §§ 218, 403, 409(e). The subpoena was issued pursuant to delegated authority. *See* 47 U.S.C. § 155(c)(1)-(3). The subpoena ordered Zoom-i-Net to appear before the Enforcement Bureau on July 8, 2015, to give sworn testimony concerning the matters described in the subpoena. As an alternative to appearing in person to provide testimony, Zoom-i-Net was given the option to answer the inquiries in writing and provide the requested documents. *See* Subpoena at 1.

<sup>19</sup> *See supra* para. 3.

<sup>20</sup> *See* certified mail receipt showing that Jane Scott signed for the subpoena on August 14, 2015 (on file in EB-TCDD-13-00007004). Although Zoom-i-Net refused to accept the Bureau's follow-up Warning Letter, the letter was merely a courtesy the Bureau extended to Zoom-i-Net to inform it of the consequences of failing to respond to a

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8. Mr. Helein acknowledges that Ms. Helein Scott is identified as Zoom-i-Net's president, but claims she has not been involved in the operations of the Company since April 2013.<sup>21</sup> Contrary to these assertions, the evidence shows that Ms. Helein Scott has been directly involved in Zoom-i-Net's operations. On February 27, 2015, Ms. Helein Scott signed Zoom-i-Net's annual Customer Proprietary Network Information (CPNI) Certification, as president, certifying that "I am an officer of Zoom-I-Net and [] I am authorized to make this certification on behalf of Zoom-I-Net. I have personal knowledge that Zoom-I-Net has established operating procedures that are adequate to ensure compliance with the Federal Communications Commission's rules governing Customer Proprietary Network Information."<sup>22</sup> On July 6, 2015, Ms. Helein Scott signed Zoom-i-Net's Form 499-Q filing identifying herself as Zoom-i-Net's President and reporting the Company's revenue projections.<sup>23</sup> In addition, in response to consumer complaints filed against Zoom-i-Net in 2015, Zoom-i-Net's billing aggregator, ILD Telecommunications, identified Zoom-i-Net as the billing carrier and forwarded copies to Ms. Helein Scott at 14170 Clubhouse Road, Gainesville, Virginia 20155, the Company's address of record.<sup>24</sup> Finally, it appears that Ms. Helein Scott has continued to file notices and reports with state regulatory agencies on behalf of Zoom-i-Net. As recently as June 3, 2015, Ms. Helein Scott filed a letter with the Illinois Commerce Commission requesting that Zoom-i-Net withdraw its authority to conduct business in Illinois.<sup>25</sup> The notarized letter was signed by Ms. Helein Scott, who identified herself in the letter as President of Zoom-i-Net.<sup>26</sup> Thus, despite Mr. Helein's assertions, the evidence shows that in 2015 Ms. Helein Scott was directly involved in Zoom-i-Net's operations, as president of the Company.

9. Mr. Helein also claims that Zoom-i-Net ceased doing business on March 31, 2015, but does not provide any evidence of the Company's termination and does not identify from whom he learned this information.<sup>27</sup> Zoom-i-Net has not filed a notice of discontinuance of service with the Commission and has not surrendered its Section 214 authorization. There is also no evidence that the corporate entity has dissolved, such as a Certificate of Dissolution in the state of incorporation.<sup>28</sup>

10. Zoom-i-Net's failure to provide the required information and documents and the subsequent assertion by Mr. Helein that Ms. Helein Scott is not involved with Zoom-i-Net and that the Company has terminated business, appear to be an effort to thwart the Bureau's investigation. Mr. Helein's statements directly contradict Ms. Helein Scott's March 2, 2015<sup>29</sup> and July 6, 2015<sup>30</sup> Universal

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lawfully issued subpoena. The Warning Letter was received by Zoom-i-Net's listed agent for service of process. See 47 CFR § 1.47(h).

<sup>21</sup> Helein Letter at 2.

<sup>22</sup> See Zoom-i-Net Annual CPNI Certification, 47 CFR § 64.2009(e), EB Docket No. 06-36, available at <http://apps.fcc.gov/ecfs/comment/view?id=60001024421>, filed by the Compliance Group (Zoom-i-Net CPNI Certification). Zoom-i-Net has not filed a 2016 Annual CPNI Certification for calendar year 2015.

<sup>23</sup> See Zoom-i-Net FCC Form 499-Q Telecommunications Reporting Worksheet (filed July 6, 2015) (on file in EB-TCD-13-00007004) (Zoom-i-Net August 2015 499-Q). See also Zoom-i-Net 2016 499-A (signed by Jane M. Scott, President, on March 1, 2016).

<sup>24</sup> See, e.g., Letters from Lorraine McClin-Olriedge, Director, ILD Regulatory Compliance Department, to FCC dated February 24, 2015, March 20, 2015, and October 8, 2015 (on file in EB-TCD-13-00007004).

<sup>25</sup> See Letter from Jane Scott, President, Zoom-i-Net Communications, Inc., to Chief Clerk Office, Illinois Commerce Commission (May 8, 2015) (on file in EB-TCD-13-00007004) (ICC Letter). The letter was dated May 9, 2015, and received by the Illinois Commerce Commission on June 3, 2015.

<sup>26</sup> See ICC Letter at 1.

<sup>27</sup> Helein Letter at 1.

<sup>28</sup> As noted above, Zoom-i-Net filed a request to withdraw its authority to conduct business in the state of Illinois; however, the Company did not claim that it had ceased operations or dissolved. See *supra* para. 8.

<sup>29</sup> Zoom-i-Net 2015 499-A.

Service filings on behalf of Zoom-i-Net, as well as the 2014 and 2015 CPNI certifications signed by Ms. Helein Scott in which she stated that she was president of Zoom-i-Net and had “personal knowledge that Zoom-i-Net has established operating procedures that are adequate to ensure compliance with the [CPNI rules].”<sup>31</sup>

11. Zoom-i-Net still has not responded to the subpoena and has not provided any proof, including any sworn statements attesting to the truth and accuracy of Mr. Helein’s assertions, that Zoom-i-Net is no longer in business.<sup>32</sup> Based on the forgoing, we find that Zoom-i-Net’s failure to provide the information and documents sought, including the requisite sworn statement, constitutes a violation of a Commission order. We also find that Zoom-i-Net’s failure to update the contact information for its designated agent for service of process violated Section 1.47(h) of the Rules.

#### IV. CONCLUSION

12. We have determined that Zoom-i-Net violated a Commission order to produce certain information and documents in connection with a Bureau investigation. Zoom-i-Net also violated Section 1.47(h) of the Rules by failing to notify the Commission of an address change for its designated agent for service. Although a monetary forfeiture is consistent with past precedent and warranted for these violations,<sup>33</sup> we instead admonish Zoom-i-Net and order the Company to report to the Bureau within thirty (30) calendar days why the Commission should not (1) determine that Zoom-i-Net lacks the qualifications to hold Commission authorizations, (2) initiate proceedings against Zoom-i-Net to revoke its Commission authorizations, or (3) issue an order declaring that the Company’s authorizations have terminated.<sup>34</sup> Failure to report to the Bureau within the time specified will be deemed an admission of the facts outlined above.

#### V. ORDERING CLAUSES

13. Accordingly, **IT IS ORDERED** that Zoom-i-Net Communications, Inc. **IS ADMONISHED** for 1) willfully violating a Commission order validly issued pursuant to delegated authority by the Enforcement Bureau in a subpoena served on Zoom-i-Net Communications, Inc. in connection with an investigation into Zoom-i-Net Communication, Inc.’s compliance with the Communications Act and Commission Rules; and 2) willfully violating Section 1.47(h) of the Commission’s Rules.<sup>35</sup>

14. **IT IS FURTHER ORDERED** that, pursuant to Section 403 of the Act,<sup>36</sup> Zoom-i-Net Communications, Inc. **SHALL RESPOND** to the request in paragraph 12 within thirty (30) calendar

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<sup>30</sup> Zoom-i-Net August 2015 499-Q.

<sup>31</sup> Zoom-i-Net CPNI Certification at 5.

<sup>32</sup> These types of verifications can be necessary to the Commission’s investigative function and the requirement of such verification here is within the category of acts and orders envisioned as necessary under Section 409(e) of the Act. 47 U.S.C. § 409(e).

<sup>33</sup> See *Net One International, LLC*, Forfeiture Order, 29 FCC Rcd 264, 264-66, paras. 1-4 (EB 2014) (imposing \$25,000 penalty for failure to respond fully to an LOI), *petition for reconsideration denied*, Memorandum Opinion and Order, 30 FCC Rcd 1021 (EB 2015); *Ist Source Information Specialists, Inc., d/b/a Locatecell.com*, Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 8193, 8196-97, para. 13 (2006), Forfeiture Order, 22 FCC Rcd 431 (2007) (imposing a forfeiture of \$97,500 for the company’s failure to respond fully to an Enforcement Bureau subpoena) (*1<sup>st</sup> Source Forfeiture Order*); *BigZoo.com Corp.*, Forfeiture Order, 20 FCC Rcd 3954, 3954-55, paras. 1-4 (EB 2005) (imposing \$20,000 penalty for failure to respond to an LOI).

<sup>34</sup> See, e.g., *ACT Telecomms., Inc.; Termination of Int’l Section 214 Authorization*, Order, 31 FCC Rcd 188 (IB 2016) (declaring ACT’s international 214 authorization to have terminated given ACT’s inability to comply with the express condition for holding the authorization).

<sup>35</sup> 47 CFR § 1.47(h).

<sup>36</sup> 47 U.S.C. § 403.

days from the release date of this Admonishment Order. Failure to respond to the request within thirty (30) calendar days will be deemed an admission of the facts outlined in this Admonishment Order.

15. **IT IS FURTHER ORDERED** that a copy of this Admonishment Order shall be sent by first class and certified mail, return receipt requested, to Zoom-i-Net Communications, Inc., 14170 Clubhouse Road, Gainesville, Virginia 20155 and 3050 Royal Blvd. South, Suite 175, Alpharetta, Georgia 30022, and to Zoom-i-Net's listed agent for service of process, the Helein Law Firm, PC, 43674 Warbler Square, Leesburg, Virginia 20176-1282. In addition, the Admonishment Order shall be posted in the Commission's Office of the Secretary.<sup>37</sup>

FEDERAL COMMUNICATIONS COMMISSION

Richard A. Hindman  
Division Chief  
Telecommunications Consumers Division  
Enforcement Bureau

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<sup>37</sup> See 47 CFR § 1.47(h) ("If such carrier, interconnected VoIP provider, or non-interconnected VoIP provider fails to designate such an agent, service of any notice or other process in any proceeding before the Commission, or of any order, decision, or requirement of the Commission, may be made by posting such notice, process, order, requirement, or decision in the Office of the Secretary of the Commission.").