

Before the
Federal Communications Commission
Washington, DC 20554

In the Matters of
Business Network Long Distance, Inc.;
Communications Network Billing, Inc.;
Integrated Services, Inc.;
Multiline Long Distance, Inc.;
Nationwide Long Distance Service, Inc.; and
Network Service Billing, Inc.
File No. EB-IHD-18-00027511
FRN: 0008078388, 0026437723
File No. EB-IHD-18-00027512
FRN: 0013638127, 0009846296
File No. EB-IHD-18-00027510
FRN: 0015091077
File No. EB-IHD-18-00027507
FRN: 0016349029, 0015679152
File No. EB-IHD-18-00027508
FRN: 0019546597, 0014872105
File No. EB-IHD-18-00027509
FRN: 0013792429
Acct. No.: 201932080005

ORDER

Adopted: December 14, 2018

Released: December 14, 2018

By the Chief, Enforcement Bureau:

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission) has entered into a Consent Decree to resolve its investigation into whether Business Network Long Distance, Inc., Communications Network Billing, Inc., Integrated Services, Inc., Multiline Long Distance, Inc., Nationwide Long Distance Service, Inc., and Network Service Billing, Inc. (the Companies)1 violated the Commission’s rules (Rules) related to the unauthorized transfer of control of their domestic authorizations to operate pursuant to Section 214 of the Communications Act of 1934, as amended (Act),2 and Sections 63.03 and 63.04 of the Rules.3 The Rules require prior approval to enable the Commission to apply a public interest standard in evaluating possible risks to competition and consumers that could result from transfers of substantial control of entities holding federally-granted authorizations pursuant to Section 214 of the Act. The Companies admit that they consummated transactions transferring all shares of their common stock, and thereby control of their Section 214

1 Any entity that is a “Small Business Concern” as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. sec. 657, “Oversight of Regulatory Enforcement,” in addition to other rights set forth herein.

2 47 U.S.C. § 214.

3 47 CFR §§ 63.03, 63.04.

authorizations, to Mr. Martin J. Tibbitts<sup>4</sup> without receiving prior approval from the Commission's Wireline Competition Bureau. To settle this matter, the Companies agree to implement a compliance plan and pay a settlement in the amount of \$48,000.

2. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the referenced investigation regarding the Companies' compliance with the requirement to obtain prior Commission approval for the transfer of control of the Companies as set forth in Section 214 of the Act and Sections 63.03 and 63.04 of the Rules.<sup>5</sup>

3. In the absence of material new evidence relating to this matter, we do not set for hearing the question of the Companies' basic qualifications to hold or obtain any Commission license or authorization.<sup>6</sup>

4. Accordingly, **IT IS ORDERED** that, pursuant to Section 4(i) of the Act<sup>7</sup> and the authority delegated by Sections 0.111 and 0.311 of the Rules,<sup>8</sup> the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

5. **IT IS FURTHER ORDERED** that the above-captioned matter **IS TERMINATED**.

6. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to the Estate of Martin J. Tibbitts, C/O Belinda G. Tibbitts, 714 Grand Marais Street, Grosse Pointe, MI 48230.

FEDERAL COMMUNICATIONS COMMISSION

Rosemary C. Harold  
Chief  
Enforcement Bureau

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<sup>4</sup> The transferee, Martin J. Tibbitts, is now deceased and the Estate of Martin J. Tibbitts currently owns 100% of the stock of each of the Companies.

<sup>5</sup> *Supra* note 2.

<sup>6</sup> *See* 47 CFR § 1.93(b).

<sup>7</sup> 47 U.S.C. § 154(i).

<sup>8</sup> 47 CFR §§ 0.111, 0.311.

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FRN: 0019546597, 0014872105
File No. EB-IHD-18-00027509
FRN: 0013792429
Acct. No.: 201932080005

CONSENT DECREE

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission) and Business Network Long Distance, Inc. (BNLD); Communications Network Billing, Inc. (CNBI); Integrated Services, Inc. (ISI); Multiline Long Distance, Inc. (MLDI); Nationwide Long Distance Service, Inc. (NLDS); and Network Service Billing, Inc. (NSBI),<sup>1</sup> by their authorized representative, the Estate of Martin J. Tibbitts (Estate), hereby enter into this Consent Decree for the purpose of terminating the Enforcement Bureau’s investigations, as defined below, into whether each Company violated the Commission’s rules related to the unauthorized transfer of control of their domestic authorizations to operate pursuant to Section 214 of the Communications Act of 1934, as amended (Act)<sup>2</sup>, and Sections 63.03 and 63.04 of the Commission’s rules (Rules)<sup>3</sup> by consummating transactions

<sup>1</sup> Any entity that is a “Small Business Concern” as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. sec. 657, “Oversight of Regulatory Enforcement,” in addition to other rights set forth herein.

<sup>2</sup> 47 U.S.C. § 214.

<sup>3</sup> 47 CFR §§ 63.03, 63.04.

transferring all shares of their common stock, to Mr. Martin J. Tibbitts<sup>4</sup> prior to receiving approval from the Commission's Wireline Competition Bureau.<sup>5</sup>

## I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) "Act" means the Communications Act of 1934, as amended.<sup>6</sup>
  - (b) "Adopting Order" means an order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
  - (c) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.
  - (d) "Commission" and "FCC" mean the Federal Communications Commission and all of its bureaus and offices.
  - (e) "Communications Laws" means collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which the Companies are subject by virtue of their business activities, including but not limited to the Section 214 Rules.
  - (f) "Companies" means Business Network Long Distance, Inc.; Communications Network Billing, Inc.; Integrated Services, Inc.; Multiline Long Distance, Inc.; Nationwide Long Distance Service, Inc.; and Network Service Billing, Inc., each a "Company," and includes each Company's affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.
  - (g) "Compliance Plan" means the compliance obligations, program, and procedures described in this Consent Decree at paragraph 15.
  - (h) "Covered Employees" means all employees and agents of the Companies who perform, supervise, oversee, or manage the performance of duties that relate to the Companies' responsibilities under the Communications Laws, including the Section 214 Rules.

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<sup>4</sup> The transferee, Martin J. Tibbitts, is now deceased and his Estate currently owns 100% of the stock of each of the companies.

<sup>5</sup> See *Domestic Section 214 Application Filed for the Transfer of Control of Business Network Long Distance, Inc. to Martin Tibbitts*, WC Docket No. 18-107 (filed Mar. 30, 2018), <https://ecfsapi.fcc.gov/file/10330320718835/Business%20Network.pdf> (BNLD Domestic 214 Application); *Domestic Section 214 Application Filed for the Transfer of Control of Communications Network Billing, Inc. to Martin Tibbitts*, WC Docket No. 18-111 (filed Mar. 30, 2018), <https://ecfsapi.fcc.gov/file/10330020115828/Communication.pdf> (CNBI Domestic 214 Application); *Domestic Section 214 Application Filed for the Transfer of Control of Integrated Services, Inc. to Martin Tibbitts*, WC Docket No. 18-110 (filed Mar. 30, 2018), <https://ecfsapi.fcc.gov/file/103301909821226/ISI.pdf> (ISI Domestic 214 Application); *Domestic Section 214 Application Filed for the Transfer of Control of Multiline Long Distance, Inc. to Martin Tibbitts*, WC Docket No. 18-112 (filed Mar. 30, 2018), <https://ecfsapi.fcc.gov/file/10330018995728/Multiline.pdf> (MLDI Domestic 214 Application); *Domestic Section 214 Application Filed for the Transfer of Control of Nationwide Long Distance Service, Inc. to Martin Tibbitts*, WC Docket No. 18-109 (filed Mar. 30, 2018), <https://ecfsapi.fcc.gov/file/10330212707930/Nationwide.pdf> (NLDS Domestic 214 Application); and *Domestic Section 214 Application Filed for the Transfer of Control of Network Service Billing, Inc. to Martin Tibbitts*, WC Docket No. 18-108 (filed Mar. 30, 2018), <https://ecfsapi.fcc.gov/file/10330213175560/Network%20Service%20Billing.pdf> (NSBI Domestic 214 Application).

<sup>6</sup> 47 U.S.C. §151 *et seq.*

- (i) “Effective Date” means the date by which both the Bureau and the Companies have signed the Consent Decree.
- (j) “Investigation” means the investigations commenced by the Bureau in EB-IHD-18-00027511; EB-IHD-18-00027512; EB-IHD-18-00027510; EB-IHD-18-00027507; EB-IHD-18-00027508; and EB-IHD-18-00027509 regarding whether any of the Companies violated the Section 214 Rules.
- (k) “LOI” means the Letters of Inquiry issued by the Bureau to each Company on August 17, 2018, investigating whether the Companies violated the Section 214 Rules governing the transfer of control of each Company’s authorization to provide domestic service pursuant to Section 214 of the Act, prior to receiving approval from the Commission’s Wireline Competition Bureau.
- (l) “Operating Procedures” means the standard internal operating procedures and compliance policies established by the Companies to implement the Compliance Plan.
- (m) “Parties” means the Companies, each Company individually, and the Bureau, each of which is a “Party.”
- (n) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- (o) “Section 214 Rules” means Section 214 of the Act and other provisions of the Act, the Rules, and Commission orders related to the construction, acquisition, operation, or transmission of lines of communication, including any Rules implementing Section 214 and any related Commission orders.

## II. BACKGROUND

3. Section 214(a) of the Act requires telecommunications carriers to obtain a certificate of public convenience and necessity from the Commission before constructing, acquiring, operating, or engaging in the transmission of common carrier communications services over communications lines, and before discontinuing, reducing, or impairing service to a community.<sup>7</sup> The Commission granted all carriers blanket authority under Section 214 to provide domestic interstate services and to construct, acquire, or operate any domestic transmission line.<sup>8</sup> In accordance with Section 63.03 of the Rules, however, any domestic carrier seeking to transfer control of lines or authorization to operate pursuant to Section 214 of the Act resulting from a transfer of corporate control must obtain prior approval from the Commission.<sup>9</sup> Section 63.04 sets forth the required contents of domestic transfer of control

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<sup>7</sup> See 47 U.S.C. § 214(a).

<sup>8</sup> 47 CFR § 63.01. See *Implementation of Section 402(b)(2)(A) of the Telecommunications Act of 1996; Petition for Forbearance of the Independent Telephone & Telecommunications Alliance*, Report and Order and Second Memorandum Opinion and Order, 14 FCC Rcd 11364 (1999) (1999 Streamlining Order).

<sup>9</sup> 47 CFR § 63.03. See *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, Report and Order, 17 FCC Rcd 5517, 5521, para. 5 (2002) (2002 Streamlining Order); see also 47 CFR § 63.03(d)(1) (excluding all *pro forma* transactions, which do not result in a change in the carrier’s ultimate ownership or control, from the domestic Section 214 application and approval requirements), § 63.04(d)(2) (requiring that a post-transaction notice be filed with the Commission within 30 days of a *pro forma* transfer of a domestic Section 214 authorization to a trustee, a debtor-in-possession, or any other party pursuant to any applicable chapter of the Bankruptcy Code).

applications.<sup>10</sup> When evaluating a proposed transfer of control, the Commission employs a public interest standard under Section 214(a) of the Act that involves the examination of the public interest impact of the proposed transaction.<sup>11</sup>

4. The Companies are switchless resellers of wireline long distance telephone service who provide resold interexchange services pursuant to the blanket authority granted in Section 214.<sup>12</sup> BNLD is a privately held Nevada S Corporation with headquarters in Denver, Colorado.<sup>13</sup> CNBI is a privately held Nevada S Corporation with headquarters in Reno, Nevada.<sup>14</sup> ISI is a privately held Nevada S Corporation with headquarters in Chicago, Illinois.<sup>15</sup> MLDI is a privately held Ohio S Corporation with headquarters in Cincinnati, Ohio.<sup>16</sup> NLDS is a privately held Nevada S Corporation with headquarters in Southfield, MI.<sup>17</sup> NSBI is a privately held Nevada S Corporation with headquarters in Las Vegas, Nevada.<sup>18</sup> The Companies provide service to customers in multiple states.

5. On January 1, 2017, each Company completed a transaction which transferred all shares of each Company's common stock to Mr. Tibbitts.<sup>19</sup> The transfer of corporate ownership of each Company effectively resulted in the transfer of control of each Company's Section 214 authorization to Mr. Tibbitts. The Companies admit that the Commission's approval was not requested by any of the Companies or Mr. Tibbitts prior to consummation of the transactions, and consent was not given by the Commission.<sup>20</sup>

6. The Companies belatedly filed applications for approval of the transfers of control pursuant to Section 214 with the Wireline Competition Bureau of the FCC on March 30, 2018, which are still pending.<sup>21</sup> On August 17, 2018, the Bureau issued a Letter of Inquiry (LOI) to each Company regarding the matters referenced above.<sup>22</sup>

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<sup>10</sup> See 47 CFR § 63.04.

<sup>11</sup> See 47 U.S.C. § 214(a).

<sup>12</sup> See Letter from Cheng-yi Liu and Mark DeSantis, Counsel for the Estate of Martin J. Tibbitts, to Marlene H. Dortch, Secretary, Federal Communications Commission (Oct. 2, 2018) (LOI Response) at 11.

<sup>13</sup> LOI Response at 1.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 2.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 2-3.

<sup>18</sup> *Id.* at 3.

<sup>19</sup> *Id.* at 9-10. See Letter from Cheng-yi Liu and Mark DeSantis, Counsel for the Estate of Martin J. Tibbitts, to Genevieve Ross, Attorney Advisor, Federal Communications Commission (Sept. 20, 2018) (EB Disclosure Letter) at 3.

<sup>20</sup> See EB Disclosure Letter at 4.

<sup>21</sup> See BNLD Domestic 214 Application; CNBI Domestic 214 Application; ISI Domestic 214 Application; MLDI Domestic 214 Application; NLDS Domestic 214 Application; NSBI Domestic 214 Application; *Domestic Section 214 Applications Filed for the Transfer of Control of Interexchange Resellers to Martin Tibbitts*, Public Notice, WC Docket Nos. 18-107, 18-108, 18-109, 18-110, 18-111, 18-112, 2018 WL 3414789 (WCB 2018) (Domestic 214 PN).

<sup>22</sup> See Letter from Jeffrey J. Gee, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Ms. Cristina Tucker, Communications Network Billing, Inc., (Aug. 17, 2018) (on file in EB-IHD-18-00027512); Letter from Jeffrey J. Gee, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Mr. Brian H. Curtiss, Business Network Long Distance, Inc. (Aug. 17, 2018) (on file in EB-IHD-18-00027511); Letter from Jeffrey J. Gee, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Mr. Larry Gilleland, Integrated

(continued...)

7. The Estate assumed control of the Companies after Mr. Tibbitts passed away on July 20, 2018. On September 25, 2018, each Company filed a request for special temporary authority (STA) for the Estate to operate the Companies pending approval of the transfer of control applications.<sup>23</sup> The Wireline Competition Bureau granted the STA Requests on October 25, 2018.<sup>24</sup>

8. On October 2, 2018, the Companies filed their responses to the LOIs.<sup>25</sup> The Parties negotiated the following terms and conditions of settlement and hereby enter into this Consent Decree as provided below.

### III. TERMS OF AGREEMENT

9. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

10. **Jurisdiction.** Each Company agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

11. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

12. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of the Investigation, the Companies agree to the terms, conditions, and procedures contained herein. The Bureau further agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute, on its own motion, any new proceeding, formal or informal, or take any action on its own motion against the Companies concerning the matters that were the subject of the Investigation. The Bureau also agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or to set for hearing the question of the Companies' basic qualifications to be Commission licensees or hold Commission licenses or authorizations.<sup>26</sup>

13. **Admission of Liability.** The Companies admit for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 12 herein, that their actions described in paragraph 5, herein, violated Section 214 of the Act and associated Rules.

(Continued from previous page) \_\_\_\_\_  
Services, Inc. (Aug. 17, 2018) (on file in EB-IHD-18-00027510); Letter from Jeffrey J. Gee, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Mr. Everard Meade, Multiline Long Distance, Inc. (Aug. 17, 2018) (on file in EB-IHD-18-00027507); Letter from Jeffrey J. Gee, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Ms. Andrea Hysten, Nationwide Long Distance Service, Inc. (Aug. 17, 2018) (on file in EB-IHD-18-00027508); Letter from Jeffrey J. Gee, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Mr. Peter Lagergren, Network Service Billing, Inc. (Aug. 17, 2018) (on file in EB-IHD-18-00027509).

<sup>23</sup> See Letter from Cheng-yi Liu and Mark DeSantis, Counsel for the Estate of Martin J. Tibbitts, to Marlene H. Dortch, Secretary, Federal Communications Commission (Sept. 25, 2018), <https://ecfsapi.fcc.gov/file/1092597177100/fl.2018.09.25%20-%20Tibbitts%20Estate%20Domestic%20STA%20Request.pdf> (STA Request); see also LOI Response at 11.

<sup>24</sup> See STA Request (grant stamped Oct. 25, 2018).

<sup>25</sup> See LOI Response.

<sup>26</sup> See 47 CFR § 1.93(b).

14. **Compliance Officer.** Within thirty (30) calendar days after the Effective Date, the Companies shall designate a senior corporate manager with the requisite corporate and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The person designated as the Compliance Officer shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that the Companies comply with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his or her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the Section 214 Rules prior to assuming his/her duties.

15. **Compliance Plan.** For purposes of settling the matters set forth herein, the Companies agree that they shall, within sixty (60) calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Communications Laws and with the terms and conditions of this Consent Decree. With respect to the Section 214 Rules, the Companies will implement, at a minimum, the following procedures:

- (a) **Operating Procedures.** Within thirty (30) calendar days after the Effective Date, the Companies shall establish Operating Procedures that all Covered Employees must follow to help ensure each Company's compliance with the Section 214 Rules. The Companies' Operating Procedures shall include internal procedures and policies specifically designed to ensure that the Companies comply with the Section 214 Rules. The Companies shall also develop a Compliance Checklist that describes the steps a Covered Employee must follow to ensure compliance with the Section 214 Rules.
- (b) **Compliance Manual.** Within sixty (60) calendar days after the Effective Date, the Compliance Officer shall develop and distribute a Compliance Manual to all Covered Employees. The Compliance Manual shall explain the Section 214 Rules and set forth the Operating Procedures that Covered Employees shall follow to help ensure the Companies' regulatory compliance. The Companies shall periodically review and revise the Compliance Manual as necessary to ensure that the information set forth therein remains current and accurate. The Companies shall distribute any revisions to the Compliance Manual promptly to all Covered Employees.
- (c) **Compliance Training Program.** The Companies shall establish and implement a Compliance Training Program on compliance with the Section 214 Rules and the Operating Procedures. As part of the Compliance Training Program, Covered Employees shall be advised of the Companies' obligation to report any regulatory noncompliance as required by paragraph 16 of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall be trained pursuant to the Compliance Training Program within sixty (60) calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after the initial Compliance Training Program shall be trained within thirty (30) calendar days after the date such person becomes a Covered Employee. The Companies shall repeat compliance training on an annual basis, and shall periodically review and revise the Compliance Training Program as necessary to ensure that it remains current and complete and to enhance its effectiveness.

16. **Reporting Noncompliance.** Each Company shall report any noncompliance with the Section 214 Rules and with the terms and conditions of this Consent Decree within fifteen (15) calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each instance of noncompliance; (ii) the steps that the Companies have taken or will take to remedy such

noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that the Companies have taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to Jeffrey Gee, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW, Room 4-C224, Washington, DC 20554, with a copy submitted electronically to Jeffrey.Gee@fcc.gov, Rizwan.Chowdhry@fcc.gov, William.Knowles-Kellett@fcc.gov, and Genevieve.Ross@fcc.gov.

17. **Compliance Reports.** The Companies shall file compliance reports with the Commission ninety (90) calendar days after the Effective Date, twelve (12) months after the Effective Date, and twenty-four (24) months after the Effective Date. The Companies that remain under common control of the Estate while these reporting obligations are in effect may file a joint compliance report. To the extent that control of any of the Companies are assigned or transferred away from the Estate, the assigned or transferred Companies shall be responsible for filing separate compliance reports, but may still file a joint compliance report if the assigned/transferred Companies remain under common control.

- (a) Each Compliance Report shall include a detailed description of the Companies' efforts during the relevant period to comply with the terms and conditions of this Consent Decree and the Section 214 Rules. In addition, each Compliance Report shall include a certification by the Compliance Officer, as an agent of and on behalf of the Companies, stating that the Compliance Officer has personal knowledge that the Companies: (i) have established and implemented the Compliance Plan; (ii) have utilized the Operating Procedures since the implementation of the Compliance Plan; and (iii) are not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 16 of this Consent Decree.
- (b) The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and shall comply with Section 1.16 of the Rules and be subscribed to as true under penalty of perjury in substantially the form set forth therein.<sup>27</sup>
- (c) If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of the Companies, shall provide the Commission with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that the Companies have taken or will take to remedy such noncompliance, including the schedule on which proposed remedial actions will be taken; and (iii) the steps that the Companies have taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
- (d) All Compliance Reports shall be submitted to Jeffrey Gee, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW, Room 4-C224, Washington, DC 20554, with a copy submitted electronically to Jeffrey.Gee@fcc.gov, Rizwan.Chowdhry@fcc.gov, William.Knowles-Kellett@fcc.gov, and Genevieve.Ross@fcc.gov.

18. **Termination Date.** Unless stated otherwise, the requirements set forth in paragraphs 14 through 17 of this Consent Decree shall expire twenty-four (24) months after the Effective Date.

19. **Section 208 Complaints; Subsequent Investigations.** Nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints filed pursuant to

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<sup>27</sup> 47 CFR § 1.16.

Section 208 of the Act<sup>28</sup> against a Company or its affiliates for alleged violations of the Act, or for any other type of alleged misconduct, regardless of when such misconduct took place. The Commission's adjudication of any such complaint will be based solely on the record developed in that proceeding. Except as expressly provided in this Consent Decree, this Consent Decree shall not prevent the Commission from investigating new evidence of noncompliance by any of the Companies with the Communications Laws.

20. **Settlement Amount.** The Companies will make a settlement payment to the United States Treasury in the amount of forty-eight thousand dollars (\$48,000) on or before December 31, 2018. The Companies shall send notification of payment to Jeffrey Gee, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW, Room 4-C224, Washington, DC 20554, with a copy submitted electronically to Jeffrey.Gee@fcc.gov, Rizwan.Chowdhry@fcc.gov, William.Knowles-Kellett@fcc.gov and Genevieve.Ross@fcc.gov on the date said payment is made. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the Account Number and FRNs referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.<sup>29</sup> When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions that should be followed based on the form of payment selected:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

Questions regarding payment procedures should be addressed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

21. **Waivers.** As of the Effective Date, each Company waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. Each Company shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If any Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or the Adopting Order, neither the Companies nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and the Companies shall waive any statutory right

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<sup>28</sup> 47 U.S.C. § 208.

<sup>29</sup> An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

to a trial *de novo*. Each Company hereby agrees to waive any claims it may otherwise have under the Equal Access to Justice Act<sup>30</sup> relating to the matters addressed in this Consent Decree.

22. **Severability**. The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

23. **Invalidity**. In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

24. **Subsequent Rule or Order**. The Parties agree that if any provision of the Consent Decree conflicts with any subsequent Rule or Order adopted by the Commission (except an Order specifically intended to revise the terms of this Consent Decree to which the Companies do not expressly consent) that provision will be superseded by such Rule or Order.

25. **Successors and Assigns**. Each Company agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

26. **Final Settlement**. The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

27. **Modifications**. This Consent Decree cannot be modified without the advance written consent of both Parties.

28. **Paragraph Headings**. The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

29. **Authorized Representative**. Each Party represents and warrants to the others that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

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<sup>30</sup> See 5 U.S.C. § 504; 47 CFR §§ 1.1501–1.1530.

30. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

\_\_\_\_\_  
Rosemary C. Harold  
Chief  
Enforcement Bureau

\_\_\_\_\_  
Date

\_\_\_\_\_  
Belinda G. Tibbitts  
Trustee for the Estate of Martin Tibbitts  
on behalf of  
Business Network Long Distance, Inc.;  
Communications Network Billing, Inc.;  
Integrated Services, Inc.;  
Multiline Long Distance, Inc.;  
Nationwide Long Distance Service, Inc.; and  
Network Service Billing, Inc.

\_\_\_\_\_  
Date