

BLUE RIDGE COMMUNICATIONS

Corporate Office

613 Third St.

P.O. Box 215

Princeton PA

18071

June 19, 2009

Jeffery H Tignor, Acting Chief
Consumer Inquires and Compliant Division
Consumer & Governental Affairs Bureau
RE: Shixiong Hu
User Complaint Number -09-C00099067

Dear Jeffery H. Tignor,

Mr. Hu's complaint was that he was never notified that there are limits on bandwidth usage depending on what level of service he subscribed to.

We have different speed and bandwidth usage packages designed for people with different needs. Speed and bandwidth usage usually go hand and hand and our faster speeds have larger bandwidth allowances. We have four levels of residential service and Mr. Hu has our residential Web Surfer which is our entry level package, but his bandwidth usage falls within the next level of service. Most people have no idea how much bandwidth they use on a monthly basis and over 99% of our subscribers never reach their limit. We monitor usage and send people a letter when they use unusually large amounts of bandwidth. We also provide a web site that they can check past usage and monitor their present usage which includes material that explains what can cause high bandwidth usage, and additional packages if they feel they need to increase their bandwidth limits. There is also a phone number listed if you want to talk to a company representative. Also at the time of the modem installation Mr. HU signed our "High Speed Internet Service Agreement that explains that we have multiple tiers of speed and we reserve the sole right to manage our network usage for maximum efficiency and reliability to assure the quality of service for all our subscribers. I have included a copy of this agreement Mr. Hu signed and this information can be found on line item #7 and #8 of this agreement. We have sent Mr. Hu three letters since March letting him know that he was exceeding the bandwidth usage for his level of service, and to call or e-mail our office to answer any questions or help him select the right service level for his needs. The first time Mr. Hu called us was June 5th and he has decided to keep his existing level of service, and has decreased his bandwidth usage. He was informed on how to check his bandwidth usage and when he would have to upgrade is account.

PH•610 826 2551

FX•610 826 7626

email•brc@ptd.net

BLUE RIDGE COMMUNICATIONS

Corporate Office

613 Third St.

P.O. Box 215

Palmerton, PA

18071

Please let us know if you have any further questions or need more information.

Sincerely,

Jeff Crandall
Director of Technical Operations
Blue Ridge Communications
Jcrandall@Pencor.com
610-826-9110

PH•610 826 2551

FX•610 826 7626

email•brc@ptd.net

Complaint Summary: 09-coooggos 1-1

Date Served :05/27/2009

Response Due Date : 06/26/2009

Carrier :Blue Ridge Digital Phone Company

Form Type :20008

Consumer Name :Hu, Shixiong

Expected Response Method: Paper

United States Government
Federal Communications Commission
Consumer and Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, SW, 5-A847
Washington, D.C. 20554

OFFICIAL

NOTICE OF INFORMAL COMPLAINT

Date: 05/27/2009

THE COMPANY IDENTIFIED IN THE ATTACHED LIST IS REQUIRED TO RESPOND TO THIS NOTICE OF INFORMAL COMPLAINT WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. Failure of any person to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Communications Act (Act), 47 U.S.C. § 409(m). Further, failure to comply with any order of the Commission can result in prosecution under Section 401(b) of the Act, 47 U.S.C. § 401(b). Section 501 of the Act, 47 U.S.C. § 501, and Section 503(b)(1)(8) of the Act, 47 U.S.C. § 503(b)(1)(8), provide for forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order. The Commission can impose forfeiture penalties of up to \$1.2 million for certain types of violations.

The attached list contains informal complaints that were filed with the Commission pursuant to Section 208 of the Act, 47 U.S.C. § 208, and Section 1.711 of the Commission's Rules, 47 C.F.R. § 1.711. A letter acknowledging your company's receipt of this Notice and of the enclosed complaint(s) should be sent to each consumer as soon as your company receives this Notice.

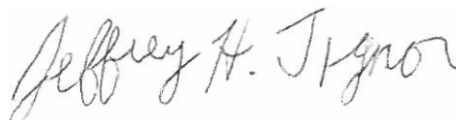
Pursuant to Sections 208 and 4(i) of the Act, 47 U.S.C. §§ 208, 154(i), we are forwarding a copy of the complaint(s) so that your company may satisfy or answer the complaint(s) based on a thorough review of all relevant records and other information. Your company should respond specifically to all material allegations raised in each complaint and summarize the actions taken by your company to satisfy the complaint.

Written responses must be filed with the Commission at 445 12th Street, SW, 5-A847, Washington, D.C. 20554. A separate response should be filed by each carrier for each case. Each response should include: (1) the complainant's name, and (2) the Case number. Companies are directed to send copies of their responses to consumers at the same time their responses are forwarded to the Commission. Each company required to respond to this Notice is directed to retain all records until final Commission disposition of the complaints.

If you have any questions regarding this Notice, please call the Consumer Inquiries and Complaints Division at (202) 418-2516, and leave a detailed message specifying the calling company name, the Case number, and the specific questions that you would like to have answered by the Bureau.

Attachment(s)

Sincerely,



Jeffrey H. Tignor, Acting Chief
Consumer Inquiries and Complaints Division
Consumer & Governmental Affairs Bureau

User complaint number: 09-C00099067-1

Form 2000B - Billing, Privacy, or Service Quality Complaint

***** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT *****

You may submit this form over the Internet at <http://www.fcc.gov/cgb/complaints.html>, by e-mail to fccinfo@fcc.gov, by fax to 1-866-418-0232, or by postal mail to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Complaints
445 12th Street, SW
Washington, D.C. 20554

In addition, you may submit your complaint over the telephone by calling 1-888-CALL-FCC or 1-888-TELL-FCC (TTY). If you choose to submit your complaint over the telephone, an FCC customer service representative will fill out an electronic version of the form for you during your conversation. If you have any questions, feel free to contact the FCC at 1-888-CALL-FCC or 1-888-TELL-FCC (TTY).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT AND THE PRIVACY ACT

The Federal Communications Commission is authorized under the Communications Act of 1934, as amended, to collect the personal information that we request in this form. This form is used for complaints that involve billing, privacy, or service quality. The public reporting for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, OMO-PERM, Paperwork Reduction Project (3060-0874), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. **PLEASE DO NOT SEND YOUR COMPLETED FORMS TO THIS ADDRESS.**

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0874.

In addition, the information that consumers provide when filling out FCC Form 2000 is covered by the system of records notice, FCC/CGB-1, Informal Complaints and Inquiries File (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services). The Commission is authorized to request this information from consumers under 47 U.S.C. 206, 208, 301, 303, 309(e), 312, 362, 364, 386, 507, and 51; and 47 CFR 1.711 et seq.

Under this system of records notice, FCC/CGB-1, the FCC may disclose information that consumers provide as follows: when a record in this system involves a complaint against a common carrier, the complaint is forwarded to the defendant carrier who must, within a prescribed time frame, either

Form 2000B - Billing, Privacy, or Service Quality Complaint

***** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT *****

satisfy the complaint or explain to the Commission and the complainant its time frame, either satisfy the complaint or explain to the Commission and the complainant its failure to do so; where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order; a record from this system may be disclosed to a Federal agency, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order; a record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit; a record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body; a record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when: (a) the United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Commission determines that the disclosure is relevant or necessary to the litigation; a record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office; a record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

In each of these cases, the FCC will determine whether disclosure of the information in this system of records notice is compatible with the purpose for which the records were collected. Furthermore, information in this system of records notice is available for public inspection after redaction of information that could identify the complainant or correspondent, i.e., name, address and/or telephone number.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507 AND THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. SECTION 552a(e)(3).

user complaint number: 09-C00099067-1

Carrier: Blue Ridge Digital Phone Company

Form 20008 - Billing, Privacy, or Service Quality Complaint

Consumer's Information:

First Name: Shixiong Last Name: Hu

Company Name:

(Complete only if you are filing this complaint on behalf of a company or an organization.)

Street Address or Post Office Box Number: 7 Bel Tor Dr.

City: Stroudsburg State: PA Zip Code: 18360

Telephone Number (Residential or Business): (570) 807 - 7236

E-mail Address: johnhu_2005@yahoo.com

*** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT ***

1. Telephone number(s) involved (including area code):
2. What is the name of the telephone company, wireless carrier, or other company that is the subject of your complaint?: Blue Ridge Communications Cable InterneU PenTeleData
3. What is the account number that is the subject of your complaint?: 418986
4. If you are disputing charges on a telephone bill, complete the following:
 - a. Disputed amount: \$
 - b. Have you paid any of the disputed charges?: false
 - c. Did the billing company adjust or refund the disputed charges?: false
 - d. If yes, what was the amount of the adjustment or refund?:\$
 - e. Are the disputed charges related to additional services?: false
If yes, please explain:
5. For billing and non-billing complaints (including privacy and service quality issues) please provide the details of your complaint or any additional information below: The company did not plainly present a usage cap on the service. After one month, there was a surprise letter regarding "excessive amounts" of usage. The company presented me with only one option, to upgrade service for extra cost. I find that this is unfair business practice.

<u>User Complaint Number</u>	Last Name. First Name	City. State. Zip	<u>Form Type</u>
09-C00099067	Hu, Shixiong	Stroudsbrug, PA, 18360	20008

Carrier Name: Blue Ridge Digital Phone Company

Serve Start Date: 05/27/2009

Serve Due Date: 06/26/2009

CARRIER RESPONSE INSTRUCTIONS

To better assist the FCC in ensuring that carrier responses are attached to the correct complaint, in this serve package you will find that each complaint has its own Carrier Response Cover Page. Please include the relevant complaint's Carrier Response Cover Page with the response sent to the FCC. If you have any questions, please contact your FCC POC.

