

February 14, 2002

SEPARATE STATEMENT OF COMMISSIONER KEVIN J. MARTIN

Re: Establishment of Rules Governing Procedures to be Followed when Informal Complaints are Filed by Consumers Against Entities Regulated by the Commission, Notice of Proposed Rulemaking, CI Docket No. 02-32.

I write separately to support the step we take today to improve the manner in which this agency responds to consumers' complaints.

The Commission has long had a process for acting on informal complaints about common carrier services. Upon receipt of the complaint, we forward it directly to the carrier. We instruct the carrier to respond to the complaint both to the consumer and to the Commission within a certain time period. Consumers report that this process has been successful in resolving complaints in the vast majority of cases—and with no need for Commission intervention. And perhaps even more important, informal complaints provide valuable information to the Commission that it uses to monitor business practices, determine patterns of inappropriate behavior, and initiate its own investigations.

Today we propose to expand this informal complaint system to apply to all services regulated by the Commission. We thus would create one process for all informal complaints, regardless of the underlying service at issue. In so doing, we would provide consumers with another avenue for seeking redress, beyond the formal complaint process.

I hope that this proposal will benefit consumers of all types of services, and look forward to public input on this issue. For example, many parties have criticized the Commission's current treatment of complaints about offensive broadcast content, saying we place too high a burden on viewers and listeners. Generally, unless a consumer has a tape or transcript of the program in question, the Commission takes no further action on the complaint. Our practice does not even provide for the Commission to inform the broadcaster of such complaints. As a result, even when listeners or viewers complain to us that a given program is indecent, broadcasters may never hear about it.

The action we take today could be an important step in addressing this procedural concern. Under the proposed system, consumers would be ensured that business would respond to their complaints—regardless of whether the consumer provides a tape or transcript. I am hopeful that this process, if adopted, will contribute to prompt resolution of many consumer concerns.

I am interested in comment, however, on the privacy implications of our proposal. Unlike common carriers, which have a billing relationship with their customers, broadcasters are not likely to have the names and addresses of their listeners and viewers. If we forward consumers' complaints to broadcasters, will we also have a means of protecting the privacy of those consumers who do not want their personal information revealed? I look forward to engaging on this issue.

Finally, I note that this proposal to expand the informal complaint process to consumers of all services would not in any way diminish consumers' rights. It provides consumers with a *new* option—an additional outlet through which they can voice concerns about their communications services. It does not create a new regulatory burden consumers must meet before filing a formal complaint. In short, this is not another hoop through which consumers must jump. Rather, it is an additional avenue that consumers may use to lodge complaints with the Commission, obtain redress from service providers, and enable the Commission to gather the information it needs to launch investigations.