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### QUARTERLY REPORT ON INFORMAL CONSUMER INQUIRIES AND COMPLAINTS RELEASED

Washington, DC – The Commission has released its report on the top subject areas for inquiries and complaints processed by the Consumer & Governmental Affairs Bureau (CGB) during the fourth quarter of calendar year 2008.

2008 Fourth Quarter Inquiries. During this quarter, the total number of inquiries for all four reported categories increased more than 116%, from 102,079 in the 3<sup>rd</sup> quarter of 2008 to 221,419 in the 4<sup>th</sup> quarter of 2008. Notably, the number of Radio and Television Broadcasting inquiries increased more than 194%, from 61,404 in the 3<sup>rd</sup> quarter to 180,949 in the 4<sup>th</sup> quarter. The bulk of the Radio and Television Broadcasting inquiries, i.e., 85%, pertained to Digital Television Issues. Wireline inquiries decreased over 16% from 24,981 in the 3<sup>rd</sup> quarter to 21,355 in the 4<sup>th</sup> quarter. Telephone Consumer Protection Act (TCPA) inquiries constituted over 72% of the inquiries in this category. The number of Cable and Satellite Services inquiries increased more than 73%, as compared to the 3<sup>rd</sup> quarter from 9,008 to 15,594. Inquiries regarding Digital Television Issues constituted 77% of the inquiries in this category. Wireless inquiries decreased more than 47% from 6,686 in the 3<sup>rd</sup> quarter to 3,521 in the 4<sup>th</sup> quarter.

2008 Fourth Quarter Complaints. During this quarter, complaints in the reported categories decreased over 28%, from 98,816 in the 3<sup>rd</sup> quarter to 70,836 in the 4<sup>th</sup> quarter of 2008. Most of the decrease occurred between the Radio and Television Broadcasting category where complaints decreased over 27% from 40,057 in the third quarter to 29,106 this quarter and in Wireline Telecommunications where complaints decreased from 39,546 in the third quarter to 27,160 this quarter. Cable & Satellite Services-related complaints decreased over 7% from 2,263 in the 3<sup>rd</sup> quarter of 2008 to 2,097 in the 4<sup>th</sup> quarter. Wireless complaints decreased 26% from 16,950 in the 3<sup>rd</sup> quarter of 2008 to 12,464 in the 4<sup>th</sup> quarter. TCPA issues comprised over 66% of the complaints in this category. Wireline complaints decreased in the 4<sup>th</sup> quarter of 2008 to 27,160 from 39,546 in the 3<sup>rd</sup> quarter of 2008. Telephone Consumer Protection Act - Other Issues, Telephone Consumer Protection Act - Do Not Call List and Telephone Consumer Protection Act - Unsolicited Fax ranked as the top categories of wireline complaints and when combined, totaled over 82% of the wireline-related complaints in the reported sub-categories.

#### **Yearly Comparisons and Trends:**

The number of inquiries in the top consumer subjects as reported in the quarterly reports dramatically increased from 111,678 in 2007 to 468,431 in 2008. The sub-categories in which notable increases were experienced in 2008, as compared to 2007, were: (1) DTV (Radio and Television Broadcasting), a 1,787% increase from 14,895 in 2007 to 281,168 in 2008; (2) TCPA (Wireline Telecommunications), a 157% increase from 25,971 in 2007 to 66,767 in 2008.

The number of complaints in the top consumer subjects as reported in the quarterly reports has also increased from 278,812 in 2007 to 430,999 in 2008. The sub-categories in which there was a substantial increase in 2008, as compared to 2007, were: (1) Programming – Indecency/Obscenity (Radio and Television Broadcasting), where there was a 35% increase from 154,626 in 2007 to 210,190 in 2008; (2) TCPA (Wireline Telecommunications), a 65% increase from 73,209 in 2007 to 120,812 in 2008.

The Commission receives many inquiries and complaints that do not involve violations of the Communications Act, or a rule or order of the Commission. The existence of a complaint does not necessarily indicate wrongdoing by the company at issue. The quarterly report on informal consumer inquiries and complaints release can be viewed at: http://www.fcc.gov/cgb/quarter/welcome.html.

# REPORT ON INFORMAL CONSUMER INQUIRIES AND COMPLAINTS 4<sup>th</sup> Quarter Calendar Year 2008 Executive Summary

This report tracks the top subject areas for consumer inquiries and complaints received during the 4<sup>th</sup> quarter of calendar year 2008 and processed by the Consumer & Governmental Affairs Bureau (CGB).<sup>i</sup> Inquiries are defined as correspondence or communications received at the Commission from individuals seeking information on matters under the FCC's jurisdiction. An informal consumer complaint is defined as a communication received at CGB's consumer centers either via postal mail, fax, email, internet, or telephone from or on behalf of an individual that: (i) identifies a particular entity under the FCC's jurisdiction; (ii) alleges harm or injury; and (iii) seeks relief.

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The Commission receives many inquiries and complaints that do not involve violations of the Communications Act, or a rule or order of the Commission. The existence of a complaint does not necessarily indicate wrongdoing by the company at issue. The quarterly report on informal consumer inquiries and complaints release can be viewed at: http://www.fcc.gov/cgb/quarter/welcome.html.

The data reported reflects the complaints and inquiries recorded in CGB's automated tracking systems for the period October 1, 2008 to December 31, 2008. The information generated for this specific report is information entered into the tracking systems on or before a specific date. In addition, the data within this report account for statistics at the national level as reported by the Commission and, therefore, are not necessarily indicative of corresponding state or local trends.

### REPORT ON INFORMAL CONSUMER INQUIRIES AND COMPLAINTS 4<sup>th</sup> Quarter Calendar Year 2008

#### **Top Consumer Issues – Subject Category Reference Guide**

#### **CABLE & SATELLITE SERVICES**

**Billing & Rates Issues:** Complaints/inquiries concerning billing matters and the rates charged for cable programming service (or expanded basic) tier on a cable system or satellite services

**Carrier Marketing & Advertising:** Complaints/inquiries regarding advertising and marketing practices of carriers including alleged misrepresentations

**Digital Television Issues:** Complaints/inquiries concerning digital TV service or the transition to digital TV

**Disability & Access Related Issues:** Complaints/inquiries regarding video description, closed captioning, and emergency access to video programming

**Over-The-Air Reception Devices (OTARD) Issues:** Complaints/inquiries regarding the installation, maintenance or use of antennas -- including direct-to-home satellite dishes that are less than one meter (39.37") in diameter (or of any size in Alaska), TV antennas, and wireless cable antennas -- to receive video programming

**Programming Issues:** Complaints/inquiries regarding program content or the choice of channels or programs available to subscribers

**Satellite Home Viewer Improvement Act (SHVIA) Issues:** Complaints/inquiries regarding SHVIA issues

**Service-Related Issues:** Complaints/inquiries about the quality of service provided by cable operators or satellite programming distributors

#### RADIO & TELEVISION BROADCASTING

**Broadcast Programming Issues:** Complaints/inquiries related to general over-the-air programming issues

**Carrier Marketing & Advertising:** Complaints/inquiries regarding advertising and marketing practices of carriers including alleged misrepresentations

**Digital Television Issues:** Complaints/inquiries concerning digital TV service or the transition to digital TV

**Disability & Access Related Issues:** Complaints/inquiries regarding video description, closed captioning, and emergency access to video programming

**Equipment-Related Issues:** Complaints/inquiries dealing with equipment-related items such as antennas and set-top boxes

**Interference:** Complaints/inquiries regarding unwanted signals from nearby transmitters to home entertainment electronic equipment

**License Information (General):** Inquiries regarding broadcast station license, transfer of control, frequency assignment, sale and transfer and other general broadcast license issues.

#### **Programming Issues**

- <u>Indecency/Obscenity</u>: Complaints/inquiries regarding programs that allegedly contain obscene, indecent or profane material
- General Criticism: Generalized concerns regarding the content of programs
- Other Programming Issues: Miscellaneous programming issues

#### WIRELESS TELECOMMUNICATIONS

**Amateur License Information:** Inquiries regarding Amateur license acquisition, requirements, eligibility, and replacement

#### **Billing & Rates – Includes the Following Subcategories:**

**Billing/Rates - Airtime Charges:** Complaints/inquiries regarding charges to subscriber for actual time spent talking on a wireless phone

**Billing/Rates - Credit/Refunds/Adjustments:** Complaints/inquiries regarding credits, refunds, or bill adjustments

**Billing/Rates - Line Items:** Complaints/inquiries regarding surcharges and taxes appearing on a phone bill

- Access Charge: Complaints/inquiries regarding miscellaneous line items charges
- <u>E-911:</u> Complaints/inquiries regarding provision of automatic location information and automatic number identification via a wireless phone used to contact a 911 call center
- Taxes: Complaints/inquiries regarding taxes appearing on wireless bill

• <u>Universal Service</u>: Complaints/inquiries about the availability and affordability of phone service for low income consumers in geographic areas where the costs of providing telephone service is high

**Billing/Rates - Recurring Charges:** Complaints/inquiries over recurring monthly charges that appear on a customer's bill

**Billing/Rates - Roaming Rates:** Complaints/inquiries about charges assessed to the subscriber for wireless calls made while roaming in another carrier's territory

**Billing/Rates - Rounding:** Complaints/inquiries about the practice of rounding calls to a full minute

**Billing/Rates - Service Plan Rate:** Complaints/inquiries about the terms and conditions of service

- Activation Fee: usually a one-time charge to initiate service
- Off-Peak: specified time where per-minute rate is lower
- Optional Services: including caller-id, voice mail, road-rescue, etc.
- <u>Peak</u>: specified time where per-minute rate is higher
- Prepaid Service: subscriber pays for service in advance
- Promo Plan: including minute allowances
- <u>Security Deposit</u>: usually a one-time charge that is held by the carrier for a specified timeframe in order for subscriber to acquire service

**Carrier Marketing & Advertising:** Complaints/inquiries regarding advertising and marketing practices of carriers including alleged misrepresentations

**Contract – Early Termination:** Complaints/inquiries regarding termination of a subscriber's service prior to end of specified contract term

- <u>Termination of Service by subscriber:</u> subscriber's liability for terminating service prior to specified contract term
- <u>Termination of Service by carrier:</u> carrier's right to disconnect a subscriber's service prior to end of a specified contract term

**Equipment Related Issues:** Complaints/inquiries dealing with equipment-related items

**Interference:** Inquiries regarding unwanted signals from nearby transmitters to wireless communications equipment

**License Information (General):** Inquiries regarding General Mobile Radio Services license acquisition, requirements, eligibility, cancellation, frequency coordination, replacement and other general license related issues

**Service Related Issues:** Complaints/inquiries regarding quality of service or the lack of coverage within a geographic area served by a wireless provider

- <u>Dead Spots</u>: inability to receive service within certain areas
- <u>Dropped Calls</u>: premature termination of calls
- <u>Home Area Service</u>: overall quality of service within the subscriber's local calling
- <u>Network Busy Signal</u>: involving calls that do not go through because of overcrowding of the service frequencies
- Roaming Availability: availability of service outside the subscriber's local calling area
- Roaming Service: overall quality of service while roaming
- <u>Service Interruption</u>: inability to use cellular phone because service was interrupted by service provider

**Telephone Consumer Protection Act (TCPA):** Complaints/inquiries regarding compliance with the TCPA requirements applicable to wireless telecommunications

**Tower Related Issues:** Complaints/inquiries involving light outages, paint, posting, zoning and registration

#### **WIRELINE TELECOMMUNICATIONS**

**Billing & Rates – Includes the Following Subcategories:** 

**Billing/Rates Credit/Refunds/Adjustments:** Complaints/inquiries about credits, refunds, or adjustments allegedly owed to the subscriber

**Billing/Rates** – **Line Item:** Complaints/inquiries about the line items appearing on telephone bills

- <u>Access Subscriber Line Charge</u>: questions regarding subscriber local-loop line charges for maintaining residential and business and telephone access to the network
- <u>Access Universal Service</u>: questions regarding the FCC's universal service fundaffordable access to basic telephone service for low-income consumers and consumers in high-cost areas, and communications services for schools and libraries and health care facilities
- <u>Interstate Directory Assistance</u>: questions about charges assessed for access to directory assistance information
- <u>Taxes on Telephone Bill</u>: questions about local, state, or federal taxes appearing on a telephone bill
- <u>Truth in Billing No Service Provider ID</u>: Complaints/inquiries about whether the name of the service provider and/or contact information for the service provider is easily identifiable on the bill
- <u>Truth in Billing Bundled Charges</u>: Complaints/inquiries about whether bills contain plain language description and breakdown of charges for each carrier when multiple carriers appear on the bill

• <u>Truth in Billing - No Payment Solution</u>: Complaints/inquiries about whether a bill clearly distinguishes charges for which nonpayment will result in disconnection from those that will not result in disconnection

**Billing/Rates – Rates:** Miscellaneous complaints/inquiries about the rates and charges billed by telephone companies

- <u>Casual Call Billing</u>: rates billed for calls placed from non-public phones through a carrier who is not the presubscribed carrier for the telephone (or which does not recognize a telephone number as that of a subscriber)
- Double Billing: dispute involving alleged double billing for calls or services
- <u>DSL Rate Problem</u>: DSL promotion plan rates allegedly altered or unspecified to consumer
- <u>International Internet Dial-up</u>: international calls (routed to places like Chad, Madagascar or other countries) that were billed to consumers as a result of using local (domestic) Internet service providers to access websites
- <u>International Calls Rates</u>: international calls, rates and/or service that either originate or terminate in the U.S.
- International 809# Billing: 809 area code collect call and consumer dialing scam
- <u>900 Pay-Per-Call Billing</u>: commercially provided interstate 900 number information or entertainment services
- OSP Rates: rates charged for interstate calls placed from public phones
- <u>Rates for Interstate Telecommunications Services Billing</u>: disputes about interstate rates and charges

**Billing/Rates – Recurring Charges**: Complaints/inquiries about recurring charges that appear on a customer's bill

**Carrier Marketing & Advertising:** Complaints/inquiries regarding advertising and marketing practices of carriers including alleged misrepresentations

**Cramming:** Complaints/inquiries about allegedly unauthorized, misleading, or deceptive charges appearing on a telephone bill

Number Portability: Complaints/inquiries regarding number portability

**Service Quality:** Complaints/inquiries regarding the quality of service provided by telephone companies

- DSL Service Inadequate: poor quality of service or service outage
- <u>Interstate Telecommunications</u>: poor call reception, service outage, service disconnects, or carrier's failure to release telephone line (and no charges are associated)
- <u>Long Distance Service Treatment</u>: inadequate customer service treatment by long distance carrier including, but not limited to, additional services being added without the consumer's knowledge or approval, etc.

**Slamming:** Complaints/inquiries regarding the practice of changing a subscriber's telecommunications service provider (or a calling plan) without the subscriber's permission

- <u>International slam</u>: changing a subscriber's international long distance service without permission
- <u>Local Service slammed</u>: changing a subscriber's local or regional intrastate long distance service without permission
- <u>Local and Long Distance slammed</u>: changing a subscriber's local and long distance service without permission
- <u>Long Distance slammed</u>: changing a subscriber's interstate telephone company service without permission
- <u>Slamming w/Problem LOA</u>: changing a subscriber's interstate telephone company based on fraudulent signed documents or illegal format, such as sweepstake

**Telephone Consumer Protection Act (TCPA) Issues:** Complaints/inquiries regarding compliance with TCPA

- <u>Do Not Call List</u>: any telephone solicitation to a residential telephone subscriber who has requested not to receive telephone solicitations
- <u>Unsolicited Fax</u>: unsolicited ("junk") faxes or the use of a computer or other device to send any messages via a telephone facsimile
- Other Issues: Complaints/inquiries dealing with all other aspects of TCPA except Do Not Call List and Junk Fax

**Universal Service Issues:** Complaints/inquiries regarding contribution methodology, general information, rural health care and calculation increases

## Summary of Top Consumer Inquiry \* Subjects Processed by the FCC's Consumer & Governmental Affairs Bureau (CGB) Fourth Quarter - Calendar Year 2008

	October	November	December	Quarter Totals
Cable & Satellite Services				
Disability & Access Related Issues	16	14	22	52
Service Related Issues	92	80	149	321
Over-the-Air Reception Devices Issues	186	141	122	449
Satellite Home Viewer Improvement Act Issues	171	153	183	507
Programming Issues	188	174	243	605
Billing & Rates Issues	427	508	625	1,560
Digital Television Issues	3298	3273	5529	12,100
Totals	4,378	4,343	6,873	15,594

	October	November	December	<b>Quarter Totals</b>
Radio and Television Broadcasting				
Disability & Access Related Issues	67	46	78	191
Interference	94	92	99	285
Carrier Marketing & Advertising	95	115	106	316
Broadcast Programming Issues	690	770	712	2,172
License Information (General)	760	847	819	2,426
Equipment Related Issues	5,385	5,470	10,931	21,786
Digital Television Issues	36,439	41,469	75,865	153,773
Totals	43,530	48,809	88,610	180,949

	October	November	December	Quarter Totals
Wireless Telecommunications				
Amateur License Information	58	51	51	160
License Information (General)	162	10	130	302
Tower Related Issues	185	90	78	353
Billing & Rates	214	145	251	610
Service Related Issues	316	317	317	950
Interference	402	335	409	1,146
Totals	1,337	948	1,236	3,521

	October	November	December	Quarter Totals
Wireline Telecommunications				
Number Portability	103	89	125	317
Universal Service Issues	197	164	160	521
Billing & Rates	339	315	329	983
Slamming	540	424	450	1,414
Cramming	973	771	906	2,650
Telephone Consumer Protection Act Issues	6,454	4,680	4,336	
Totals	8,606	6,443	6,306	21,355

#### Notes:

- \* An inquiry is defined as any correspondence or communication received at CGB's Consumer Centers from individuals seeking information on matters under the FCC's jurisdiction.
- (1) See attachment for brief description of subject categories.
- (2) The data within this report account for statistics at the national level as reported to the Commission, and therefore are not necessarily indicative of corresponding state and local trends.
- \*\* The inquiries figures in this report represent volume for the categories and sub-categories listed in this report only and are not inclusive of all inquiries for all categories handled by the FCC.

## Summary of Top Complaint \* Subjects Processed by the FCC's Consumer & Governmental Affairs Bureau (CGB) Fourth Quarter - Calendar Year 2008

	October	November	December	Quarter Totals
Cable & Satellite Services				
Disability & Access Related Issues	14	7	11	32
Digital Television Issues	31	67	56	154
Carrier Marketing & Advertising	103	116	96	315
Service Related Issues	91	120	107	318
Billing & Rates Issues	169	143	175	487
Programming Issues	231	279	281	791
Totals	639	732	726	2,097

	October	November	December	Quarter Totals
Radio and Television Broadcasting				
Disability & Access Related Issues	10	17	23	50
Carrier Marketing & Advertising	47	36	33	116
Programming - General Criticism	153	90	68	311
Digital Television Issues	232	199	283	714
Other Programming Issues	479	416	277	1,172
Programming - Indecency/Obscenity**	16,195	9,794	754	26,743
Totals	17,116	10,552	1,438	29,106

	October	November	December	Quarter Totals
Wireless Telecommunications				
Carrier Marketing & Advertising	86	83	99	268
Equipment Related Issues	123	120	97	340
Contract - Early Termination	184	155	162	501
Service Related Issues	200	182	178	560
Billing & Rates	914	728	847	2,489
Telephone Consumer Protection Act	2,882	2,635	2,789	8,306
Totals	4,389	3,903	4,172	12,464

	October	November	December	<b>Quarter Totals</b>
Wireline Telecommunications				
Carrier Marketing & Advertising	134	126	123	383
Cramming	186	174	144	504
Service Quality	267	203	220	690
Billing & Rates	1,165	974	1,076	3,215
Telephone Consumer Protection Act-Unsolicited Fax	2,869	1,963	1,977	6,809
Telephone Consumer Protection Act - Do Not Call List	2,802	2,084	2,234	7,120
Telephone Consumer Protection Act -Other Issues	3,321	2,460	2,658	8,439
Totals	10,744	7,984	8,432	27,160

#### Notes:

- \* An informal consumer complaint is defined as any correspondence or communication received at CGB's Consumer Centers either via postal mail, fax, electronic mail (e-mail) or telephone from or on behalf of an individual that : (I) identifies a particular entity under the FCC's jurisdiction; (ii) alleges harm or injury; and (iii) requests relief. The complaint figures in this report reflect selected categories of complaints -- namely, the top complaint subjects -- and are not inclusive of all complaints handled by the FCC.
- \*\* The number of programming complaints assigned to each of the programming sub-categories is based on initial processing. The distribution of programming complaints among the sub-categories may change upon further review. Complaints regarding alleged indecency/obscenity/profanity during specific programs are forwarded to the Enforcement Bureau (EB) for appropriate handling. The number of Programming complaints reported here reflects complaints received by CGB, complaints received separately by EB, and complaints emailed directly to the offices of the FCC Chairman and the respective offices of the Commissioners. The reported counts may include duplicate complaints or contacts that subsequently are determined insufficient to constitute actionable complaints.
- (1) See attachment for brief description of subject categories.
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