



NEWS

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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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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 second quarter of calendar year 2008.

2008 Second Quarter Inquiries. During this quarter, the total number of inquiries for all four reported categories decreased more than 33%, from 82,897 in the 1st quarter of 2008 to 62,036 in the 2nd quarter of 2008. Notably, the number of Radio and Television Broadcasting inquiries decreased 63%, from 51,920 in the 1st quarter to 31,719 in the 2nd quarter. The bulk of the Radio and Television Broadcasting inquiries, i.e., 84%, pertained to Digital Television Issues. Wireline inquiries increased 2% from 21,096 in the 1st quarter of 2008 to 21,502 in the 2nd quarter. Telephone Consumer Protection Act (TCPA) inquiries constituted over 78% of the inquiries in this category. The number of Cable and Satellite Services inquiries increased more than 8%, as compared to the 1st quarter, from 3,800 to 4,130. Inquiries regarding Billing & Rates Information constituted 33% of the inquiries in this category. Wireless inquiries decreased 29% from 6,081, in the 1st to 4,685 in the 2nd quarter.

2008 Second Quarter Complaints. During this quarter, complaints in the reported categories decreased over 50%, from 174,826 in the 1st quarter of 2008 to 86,530 in the 2nd quarter of 2008. Most of the decrease occurred in the Radio and Television Broadcasting category where complaints dropped from 122,104 in the 1st quarter of 2008 to 30,317 in the second quarter of 2008. Programming Indecency/Obscenity complaints comprised over 82% of the 30,317 complaints in this category. Cable & Satellite Services-related complaints increased over 53% from 923 in the 1st quarter of 2008 to 1,414 in the 2nd quarter. Wireless complaints decreased 29% from 18,964 in the 1st quarter of 2008 to 13,560 in the 2nd quarter. TCPA issues

comprised over 70% of the complaints in this category. Wireline complaints rose in the 2nd quarter of 2008 to 41,239 from 32,835 in the 1st 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 88% of the wireline-related complaints in the reported sub-categories.

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.htm>.

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REPORT ON INFORMAL CONSUMER INQUIRIES AND COMPLAINTS
2nd Quarter Calendar Year 2008
Executive Summary

This report tracks the top subject areas for consumer inquiries and complaints received during the 2nd quarter of calendar year 2008 and processed by the Consumer & Governmental Affairs Bureau (CGB).ⁱ 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.

2008 Second Quarter Inquiries. During this quarter, the total number of inquiries for all four reported categories decreased more than 33%, from 82,897 in the 1st quarter of 2008 to 62,036 in the 2nd quarter of 2008. Notably, the number of Radio and Television Broadcasting inquiries decreased 63%, from 51,920 in the 1st quarter to 31,719 in the 2nd quarter. The bulk of the Radio and Television Broadcasting inquiries, i.e., 84%, pertained to Digital Television Issues. Wireline inquiries increased 2% from 21,096 in the 1st quarter of 2008 to 21,502 in the 2nd quarter. Telephone Consumer Protection Act (TCPA) inquiries constituted over 78% of the inquiries in this category. The number of Cable and Satellite Services inquiries increased more than 8%, as compared to the 1st quarter, from 3,800 to 4,130. Inquiries regarding Billing & Rates Information constituted 33% of the inquiries in this category. Wireless inquiries decreased 29% from 6,081, in the 1st to 4,685 in the 2nd quarter.

2008 Second Quarter Complaints. During this quarter, complaints in the reported categories decreased over 50%, from 174,826 in the 1st quarter of 2008 to 86,530 in the 2nd quarter of 2008. Most of the decrease occurred in the Radio and Television Broadcasting category where complaints dropped from 122,104 in the 1st quarter of 2008 to 30,317 in the second quarter of 2008. Programming Indecency/Obscenity complaints comprised over 82% of the 30,317 complaints in this category. Cable & Satellite Services-related complaints increased over 53% from 923 in the 1st quarter of 2008 to 1,414 in the 2nd quarter. Wireless complaints decreased 29% from 18,964 in the 1st quarter of 2008 to 13,560 in the 2nd quarter. TCPA issues comprised over 70% of the complaints in this category. Wireline complaints rose in the 2nd quarter of 2008 to 41,239 from 32,835 in the 1st 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 88% of the wireline-related complaints in the reported sub-categories.

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.htm>.

ⁱ The data reported reflects the complaints and inquiries recorded in CGB's automated tracking systems for the period April 1, 2008 to June 30, 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.

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

Draft 12-9-2008

| | April | May | June | Quarter Totals |
|--|-------|-------|-------|----------------|
| Cable & Satellite Services | | | | |
| Disability & Access Related Issues | 17 | 17 | 12 | 46 |
| Service Related Issues | 138 | 82 | 141 | 361 |
| Programming Issues | 137 | 137 | 121 | 395 |
| Satellite Home Viewer Improvement Act Issues | 143 | 150 | 135 | 428 |
| Over-the-Air Reception Device Issues | 210 | 202 | 197 | 609 |
| Digital Television Issues | 10 | 117 | 777 | 904 |
| Billing & Rates Issues | 434 | 433 | 520 | 1,387 |
| <i>Totals</i> | 1,089 | 1,138 | 1,903 | 4,130 |

| | April | May | June | Quarter Totals |
|--|--------|-------|-------|----------------|
| Radio and Television Broadcasting | | | | |
| Disability & Access Related Issues | 70 | 66 | 58 | 194 |
| Carrier Marketing & Advertising | 139 | 117 | 113 | 369 |
| Interference | 334 | 279 | 347 | 960 |
| Broadcast Programming Issues | 1,891 | 782 | 755 | 3,428 |
| Digital Television Issues | 16,470 | 5,194 | 5,104 | 26,768 |
| <i>Totals</i> | 18,904 | 6,438 | 6,377 | 31,719 |

| | April | May | June | Quarter Totals |
|------------------------------------|-------|-------|-------|----------------|
| Wireless Telecommunications | | | | |
| Amateur License Information | 74 | 65 | 57 | 196 |
| Tower Related Issues | 116 | 92 | 85 | 293 |
| Interference | 237 | 212 | 216 | 665 |
| Billing & Rates | 254 | 172 | 226 | 652 |
| Service Related Issues | 409 | 462 | 520 | 1,391 |
| License Information (General) | 593 | 479 | 416 | 1,488 |
| <i>Totals</i> | 1,683 | 1,482 | 1,520 | 4,685 |

| | April | May | June | Quarter Totals |
|--|-------|-------|-------|----------------|
| Wireline Telecommunications | | | | |
| Universal Service Issues | 55 | 178 | 153 | 386 |
| Billing & Rates | 386 | 405 | 467 | 1,258 |
| Slamming | 462 | 457 | 504 | 1,423 |
| Cramming | 592 | 560 | 338 | 1,490 |
| Telephone Consumer Protection Act Issues | 5,849 | 5,801 | 5,295 | 16,945 |
| <i>Totals</i> | 7,344 | 7,401 | 6,757 | 21,502 |

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)
Second Quarter - Calendar Year 2008

Draft 12-9-08

| | April | May | June | Quarter Totals |
|---------------------------------------|-------|-----|------|----------------|
| Cable & Satellite Services | | | | |
| Digital Television Issues | 19 | 27 | 51 | 97 |
| Carrier Marketing & Advertising | 29 | 42 | 67 | 138 |
| Service Related Issues | 60 | 74 | 73 | 207 |
| Billing & Rates Issues | 115 | 137 | 123 | 375 |
| Programming Issues | 199 | 107 | 291 | 597 |
| <i>Totals</i> | 422 | 387 | 605 | 1,414 |

| | April | May | June | Quarter Totals |
|--|--------|-------|-------|----------------|
| Radio and Television Broadcasting | | | | |
| Disability & Access related Issues | 9 | 15 | 14 | 38 |
| Digital Television Issues | 63 | 102 | 117 | 282 |
| Other Programming Issues | 95 | 105 | 393 | 593 |
| Programming - General Criticism | 3,070 | 470 | 806 | 4,346 |
| Programming - Indecency/Obscenity** | 24,068 | 679 | 311 | 25,058 |
| <i>Totals</i> | 27,305 | 1,371 | 1,641 | 30,317 |

| | April | May | June | Quarter Totals |
|------------------------------------|-------|-------|-------|----------------|
| Wireless Telecommunications | | | | |
| Carrier Marketing & Advertising | 91 | 85 | 97 | 273 |
| Contract - Early Termination | 117 | 141 | 161 | 419 |
| Service Related Issues | 184 | 206 | 273 | 663 |
| Billing & Rates | 854 | 732 | 1,054 | 2,640 |
| Telephone Consumer Protection Act | 2,681 | 3,988 | 2,896 | 9,565 |
| <i>Totals</i> | 3,927 | 5,152 | 4,481 | 13,560 |

| | April | May | June | Quarter Totals |
|--|--------|--------|--------|----------------|
| Wireline Telecommunications | | | | |
| Carrier Marketing & Advertising | 152 | 186 | 159 | 497 |
| Service Quality | 210 | 355 | 316 | 881 |
| Billing & Rates | 1,051 | 1,080 | 1,318 | 3,449 |
| Telephone Consumer Protection Act - Do Not Call List | 1,690 | 2,192 | 1,634 | 5,516 |
| Telephone Consumer Protection Act -Other Issues | 3,868 | 2,872 | 3,220 | 9,960 |
| Telephone Consumer Protection Act-Unsolicited Fax | 6,574 | 7,531 | 6,831 | 20,936 |
| <i>Totals</i> | 13,545 | 14,216 | 13,478 | 41,239 |

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.

(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 or local trends.

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

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

Programming Issues

- Indecency/Obscenity: 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
- E-911: 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
- Universal Service: 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 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.
- Peak: specified time where per-minute rate is higher
- Prepaid Service: subscriber pays for service in advance
- Promo Plan: including minute allowances
- Security Deposit: usually 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

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

Interference Issue: Inquiries regarding unwanted signals from nearby transmitters to home entertainment electronic equipment

License Information (General): Inquiries regarding GMRS 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:

- Dead Spots: inability to receive service within certain areas
- Dropped Calls: premature termination of calls
- Home Area Service: overall quality of service within the subscriber's local calling area
- Network Busy Signal: 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
- Service Interruption: 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:

- Access – Subscriber Line Charge: questions regarding subscriber local-loop line charges for maintaining residential and business and telephone access to the network
- Access – Universal Service: questions regarding the FCC’s universal service fund-affordable 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
- Interstate Directory Assistance: questions about charges assessed for access to directory assistance information
- Taxes on Telephone Bill: questions about local, state, or federal taxes appearing on a telephone bill
- Truth in Billing - No Service Provider ID: Complaints/inquiries about whether the name of the service provider and/or contact information for the service provider is easily identifiable on the bill
- Truth in Billing - Bundled Charges: Complaints/inquiries about whether bills contain plain language description and breakdown of charges for each carrier when multiple carriers appear on the bill
- Truth in Billing - No Payment Solution: 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:

- Casual Call Billing: 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
- DSL Rate Problem: DSL promotion plan rates allegedly altered or unspecified to consumer

- International Internet Dial-up: 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
- International Calls – Rates: 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
- 900 Pay-Per-Call Billing: commercially provided interstate 900 number information or entertainment services
- OSP Rates: rates charged for interstate calls placed from public phones
- Rates for Interstate Telecommunications Services – Billing: 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

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

- DSL Service Inadequate: poor quality of service or service outage
- Interstate Telecommunications: poor call reception, service outage, service disconnects, or carrier’s failure to release telephone line (and no charges are associated)
- Long Distance Service Treatment: 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

- International slam: changing a subscriber’s international long distance service without permission
- Local Service slammed: changing a subscriber’s local or regional intrastate long distance service without permission
- Local and Long Distance slammed: changing a subscriber’s local and long distance service without permission
- Long Distance slammed: changing a subscriber’s interstate telephone company service without permission
- Slamming w/Problem LOA: 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:

- Do Not Call List: any telephone solicitation to a residential telephone subscriber who has requested not to receive telephone solicitations
- Unsolicited Fax: 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