

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
AT&T Corp.)	File No. EB-00-TC-043
)	NAL/Acct. No. 200132170012
Operator Service Consumer Information)	
Requirements)	
)	

ORDER

Adopted: October 31, 2000

Released: November 1, 2000

By the Chief, Enforcement Bureau:

1. In this Order, we adopt a Consent Decree terminating an informal investigation by the Enforcement Bureau (“Bureau”) into possible violations by AT&T Corp. (“AT&T”) of Section 226(b)(1) of the Communications Act of 1934, as amended (the “Act”), and Section 64.703(a)(3) of the Commission’s rules.¹

2. Section 226(b)(1) of the Act and Section 64.703(a)(3) of the Commission’s rules require operator service providers (“OSPs”) such as AT&T to disclose immediately to consumers, at no charge: (1) a quotation of its rates or charges for the call; (2) the methods by which such rates or charges will be collected; (3) the methods by which complaints concerning such rates, charges, or collection practices will be resolved; and (4) how to obtain the total cost of the call by dialing no more than two digits or by staying on the line.²

¹ 47 U.S.C. § 226(b)(1); 47 C.F.R. §§ 64.703(a)(3), (a)(4).

² 47 U.S.C. § 226(b)(1); 47 C.F.R. §§ 64.703(a)(3), (a)(4). “Operator services” is defined by the Act and our rules as “any interstate telecommunications service from an aggregator location that includes, as a component, any automatic or live assistance to a consumer to arrange for billing or completion, or both, of an interstate telephone call through a method other than: (1) automatic completion with billing to the telephone from which the call originated; or (2) completion through an access code used by the consumer, with billing to an account previously established with the carrier by the consumer.” 47 U.S.C. § 226(a)(7); 47 C.F.R. § 64.708(i). A “provider of operator services” means “any common carrier that provides operator services or any other person determined by the Commission to be a provider of operator services.” 47 U.S.C. § 226(a)(9); 47 C.F.R. § 64.708(l). An “aggregator” is defined by the Act and the Commission’s rules as “any person that, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises, for interstate telephone calls using a provider of operator services.” 47 U.S.C. § 226(a)(2); 47 C.F.R. § 64.708(b).

3. The enactment of Section 226 and the adoption of our operator service rules occurred in the wake of considerable consumer dissatisfaction with the lack of information about OSPs' services, among other things.³ The purpose of TOCSIA is to protect consumers from "unfair and deceptive practices relating to their use of operator services to place interstate long distance calls and to ensure that consumers have the opportunity to make informed choices in making such calls."⁴

4. On December 1, 1999, the Bureau's field staff began an investigation of aggregator telephones located throughout the United States to determine compliance with the requirements set forth in the Act and in the Commission's rules. The field staff investigated, *inter alia*, possible violations of Section 226(b)(1) of the Act,⁵ and portions of section 64.703 of the Commission's rules.⁶ The field staff checked compliance by aggregators and OSPs at over 1,700 telephones.

5. Based on the evidence gathered in this investigation, the Bureau approached AT&T regarding possible violations of Section 226(b)(1)(C) of the Act and Section 64.703(a)(3) of the Commission's rules. The Bureau reached an agreement with AT&T that will resolve this investigation. The terms and conditions of the agreement are contained in the attached executed Consent Decree. Among other things, the Consent Decree contemplates that AT&T will implement a program to ensure its future compliance with the Act and the Commission's rules and policies. In addition, the Consent Decree contemplates that AT&T will make a voluntary contribution to the United States Treasury in the amount of \$105,000.

6. We have reviewed the terms of the Consent Decree and evaluated the facts before us. In light of AT&T's commitment to be bound by the various principles set forth in the Consent Decree, we believe that the public interest would be served by approving the Consent Decree and terminating the investigation.

7. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act, 47 U.S.C. § 154(i), and authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Consent Decree attached hereto IS ADOPTED.

8. IT IS FURTHER ORDERED that the above-captioned investigation IS

³ Section 226 is the codification of the Telephone Operator Consumer Services Improvement Act of 1990 ("TOCSIA"). Pub. L. No. 101-435, 104 Stat. 986 (1990).

⁴ *Policies and Rules Concerning Operator Service Providers*, Order, 7 FCC Rcd 4014, 4014 (1992).

⁵ 47 U.S.C. § 226(b)(1) (Requirements for Providers of Operator Services).

⁶ 47 C.F.R. §§ 64.703(a)(1), (a)(2), (a)(3), (a)(4) (Consumer Information).

TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau