



# PUBLIC NOTICE

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## REMINDER TO TELECOMMUNICATIONS CARRIERS OF OBLIGATIONS REGARDING THIRD PARTY VERIFICATION RECORDINGS OF CONSUMER'S INTENT TO CHANGE TELECOMMUNICATIONS CARRIERS

The Commission's carrier change verification rules require that a carrier's sales agent "drop off" the sales call once a connection is established between the consumer requesting the change and the third party verifier that confirms the consumer's intent to change carriers.<sup>1</sup> The FCC's Consumer & Governmental Affairs Bureau issues this Public Notice to remind telecommunications carriers exempted from the Commission's "drop-off" requirement of their obligation to terminate any third party carrier change verification recording in which their sales representative responds to a consumer's inquiry.<sup>2</sup>

In its *Third Reconsideration Order*, the Commission recognized that dropping off a three-way call could be infeasible for carriers in certain specific situations; for example, a carrier may not be able to comply with the drop-off rule because its sales force is located in an area with an exchange that does not employ the technology necessary to support a drop-off.<sup>3</sup> Accordingly, the Commission exempted from its drop-off rule those carriers that certify to the Commission that their sales agents are unable to drop off the sales call after initiating a third party verification.<sup>4</sup> Such carriers are exempt from the drop-off requirement for a period of two years from the date the certification is received by the Commission.<sup>5</sup>

The Commission noted, however, that even if a carrier certifies that it is unable to comply with the drop-off requirement, a third party verification *must* be terminated if the sales agent of an exempted carrier

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<sup>1</sup> See 47 C.F.R. 64.1120(c)(3)(ii).

<sup>2</sup> See *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, CC Docket No. 94-129, Third Order on Reconsideration and Second Further Notice of Proposed Rule Making, 18 FCC Rcd 5099, 5113, para. 35 (2003) (*Third Reconsideration Order*).

<sup>3</sup> See *id.*

<sup>4</sup> See *id.* The sales agents of carriers who have not made such a certification are required to drop off the call once the three way connection with a third party verifier has been established. See 47 C.F.R. 64.1120 (c)(3)(ii).

<sup>5</sup> See *Third Order on Reconsideration*, 18 FCC Rcd at 5113, para. 35.

responds to a consumer's inquiries after a verification attempt has begun.<sup>6</sup> In other words, once the sales agent responds to the consumer's inquiries, the final third party verification cannot include any of the consumer's responses previously recorded. A new third party verification must be initiated after the sales agent has finished responding to the customer.<sup>7</sup> The Commission also emphasized that third party verification recordings must include the entirety of the final verification communication, including both what the subscriber has said and what the subscriber has heard during the course of the final verification.<sup>8</sup>

The Consumer & Governmental Affairs Bureau will continue to closely monitor complaints alleging violations of its carrier change rules, and will promptly forward appropriate complaints to the Commission's Enforcement Bureau for possible enforcement action.

To request this *Public Notice* or the rule in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

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<sup>6</sup> *See id.*

<sup>7</sup> *See id.* We also note that, while a carrier's sales agent may respond to a question posed by the consumer so long as the verification is terminated, under no circumstances may the sales agent continue to provide marketing information once a verification has commenced. *See id.* at para. 41.

<sup>8</sup> *See Third Order on Reconsideration*, 18 FCC Rcd at 5113, para. 36.