Before the

Federal Communications Commission

**Washington, D.C. 20554**

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| In the Matter of  Tele Circuit Network Corporation  Complaints Regarding  Unauthorized Change of  Subscribers’ Telecommunications Carrier | **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)** | Complaint Nos. 1418012  1506567  1523876  1557038  1557193  1686612  1714894  1757133  1997793/1845261  2002243  2037228  2049963  2051254  2058169  2071906  2125218  2129292  2140282  2175375  2207685  2223296  2289012  2412711  2416415  2522894  2539119  2542517  2786639 |
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**ORDER**

**Adopted: April 1, 2019 Released: April 2, 2019**

By the Deputy Chief, Consumer Policy Division, Consumer and Governmental Affairs Bureau:

1. In this Order, we consider twenty-eight complaints[[1]](#footnote-3) alleging that Tele Circuit Network Corporation (Tele Circuit) changed Complainants’ telecommunications service providers without obtaining authorization and verification from Complainants in violation of the Commission’s rules.[[2]](#footnote-4) We conclude that Tele Circuit’s actions violated the Commission’s carrier change rules, and we therefore grant Complainants’ complaints.
2. Section 258 of the Communications Act of 1934 (the Act), as amended, prohibits the practice of “slamming,” the submission or execution of an unauthorized change in a subscriber’s selection of a provider of telephone exchange service or telephone toll service.[[3]](#footnote-5) The Commission’s implementing rules require, among other things, that a carrier receive individual subscriber consent before a carrier change may occur.[[4]](#footnote-6) Specifically, a carrier must: (1) obtain the subscriber’s written or electronically signed authorization in a format that meets the requirements of Section 64.1130; (2) obtain confirmation from the subscriber via a toll-free number provided exclusively for the purpose of confirming orders electronically; or (3) utilize an appropriately qualified independent third party to verify the subscriber's order.[[5]](#footnote-7) The Commission also has adopted rules to limit the liability of subscribers when a carrier change occurs, and to require carriers involved in slamming practices to compensate subscribers whose carriers were changed without authorization.[[6]](#footnote-8)
3. We received Complainants’ complaints alleging that Complainants’ telecommunications service providers had been changed without Complainants’ authorization.[[7]](#footnote-9) Pursuant to Sections 1.719 and 64.1150 of our rules, we notified Tele Circuit of the complaints.[[8]](#footnote-10) Tele Circuit has failed to respond to the complaints. The failure of Tele Circuit to respond or provide proof of verification is presumed to be clear and convincing evidence of violations.[[9]](#footnote-11) Therefore, we find that Tele Circuit’s actions resulted in violations of our carrier change rules, and we discuss Tele Circuit’s liability below.[[10]](#footnote-12) We also will forward a copy of the record of this proceeding to our Enforcement Bureau to determine what additional actions may be necessary.
4. Tele Circuit must remove all charges incurred for service provided to Complainants for the first thirty days after the alleged unauthorized change in accordance with the Commission’s liability rules.[[11]](#footnote-13) We have determined that Complainants are entitled to absolution for the charges incurred during the first thirty days after the unauthorized change occurred and that neither the Complainants’ authorized carrier nor Tele Circuit may pursue any collection against Complainants for those charges.[[12]](#footnote-14) Any charges imposed by Tele Circuit on the Complainants for service provided after this 30-day period shall be paid by the Complainants to the authorized carrier at the rates the Complainants were paying the authorized carriers at the time of the unauthorized change of their telecommunications service provider.[[13]](#footnote-15)
5. Accordingly, IT IS ORDERED that, pursuant to Section 258 of the Communications Act of 1934, as amended, 47 U.S.C. § 258, and Sections 0.141, 0.361, and 1.719 of the Commission’s rules, 47 CFR §§ 0.141, 0.361, 1.719, the complaints against Tele Circuit Network Corporation ARE GRANTED.
6. IT IS FURTHER ORDERED that, pursuant to Section 64.1170(d) of the Commission’s rules, 47 CFR § 64.1170(d), Complainants are entitled to absolution for the charges incurred during the first thirty days after the unauthorized change occurred and that Tele Circuit Network Corporation may not pursue any collection against Complainants for those charges.
7. IT IS FURTHER ORDERED that this Order is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Nancy A. Stevenson

Deputy Chief

Consumer Policy Division

Consumer and Governmental Affairs Bureau

**APPENDIX**

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| COMPLAINT NUMBER | DATE OF COMPLAINT | DATE OF CARRIER SERVE |
| 1418012  1506567  1523876  1557038  1557193  1686612  1714894  1757133  1997793/1845261  2002243  2037228  2049963  2051254  2058169  2071906  2125218  2129292  2140282  2175375  2207685  2223296  2289012  2412711  2416415  2522894  2539119  2542517  2786639 | January 26, 2017  March 15, 2017  March 24, 2017  April 10, 2017  April 10, 2017  June 6, 2017  June 20, 2017  July 5, 2017  August 11, 2017  October 24, 2017  November 9, 2017  January 23, 2018  November 16, 2017  November 20, 2017  November 27, 2017  December 20, 2017  December 22, 2017  January 2, 2018  January 17, 2018  February 1, 2018  February 8, 2018  March 8, 2018  April 28, 2018  May 1, 2018  May 25, 2018  June 2, 2018  June 4, 2018  September 20, 2018 | August 7, 2017  March 16, 2017  November 27, 2017  April 18, 2017  April 25, 2017  August 10, 2017  August 10, 2017  August 11, 2017  October 20, 2017  February 1, 2018  January 30, 2018  January 23, 2018  January 22, 2018  November 21, 2017  December 1, 2017  December 22, 2017  December 22, 2017  January 22, 2018  January 18, 2018  February 15, 2018  February 15, 2018  April 20, 2018  April 30, 2018  May 4, 2018  May 29, 2018  August 16, 2018  June 8, 2018  September 27, 2018 |

1. *See* Appendix. [↑](#footnote-ref-3)
2. *See* 47 CFR §§ 64.1100 – 64.1190. [↑](#footnote-ref-4)
3. 47 U.S.C. § 258(a). [↑](#footnote-ref-5)
4. *See* 47 CFR § 64.1120. [↑](#footnote-ref-6)
5. *See* *id.* § 64.1120(c). Section 64.1130 details the requirements for letter of agency form and content for written or electronically signed authorizations. *Id.* § 64.1130. [↑](#footnote-ref-7)
6. These rules require the carrier to absolve the subscriber where the subscriber has not paid his or her bill. If the subscriber has not already paid charges to the unauthorized carrier, the subscriber is absolved of liability for charges imposed by the unauthorized carrier for service provided during the first 30 days after the unauthorized change. *See* *id.* §§ 64.1140, 64.1160. Any charges imposed by the unauthorized carrier on the subscriber for service provided after this 30-day period shall be paid by the subscriber to the authorized carrier at the rates the subscriber was paying to the authorized carrier at the time of the unauthorized change. *Id.* Where the subscriber has paid charges to the unauthorized carrier, the Commission’s rules require that the unauthorized carrier pay 150 percent of those charges to the authorized carrier, and the authorized carrier shall refund or credit to the subscriber 50 percent of all charges paid by the subscriber to the unauthorized carrier. *See id.* §§ 64.1140, 64.1170. [↑](#footnote-ref-8)
7. *See* Appendix. [↑](#footnote-ref-9)
8. 47 CFR § 1.719 (Commission procedure for informal complaints filed pursuant to Section 258 of the Act); *id.* § 64.1150 (procedures for resolution of unauthorized changes in preferred carrier). [↑](#footnote-ref-10)
9. *See id.* § 64.1150(d). [↑](#footnote-ref-11)
10. If any Complainant is unsatisfied with the resolution of its complaint, such Complainant may file a formal complaint with the Commission pursuant to Section 1.721 of the Commission’s rules. *Id*. § 1.721. Such filing will be deemed to relate back to the filing date of such Complainant’s informal complaint so long as the formal complaint is filed within 45 days from the date this order is mailed or delivered electronically to such Complainant. *See* *id*. § 1.719. [↑](#footnote-ref-12)
11. *See id.* § 64.1160(b). [↑](#footnote-ref-13)
12. *See id.* § 64.1160(d). [↑](#footnote-ref-14)
13. *See id.* § 64.1140, 64.1160. [↑](#footnote-ref-15)