

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

In the Matter of)	
)	
MCI, Inc.)	Complaint Nos. 172559
)	462896
Complaints Regarding)	1550064
Unauthorized Change of)	1696274
Subscriber's Telecommunications Carrier)	2103452
)	2221075
)	2594783
)	2933572

ORDER

Adopted: May 16, 2019

Released: May 17, 2019

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

1. In this Order, we consider eight complaints¹ alleging that MCI, Inc. (MCI) changed Complainants' telecommunications service providers without obtaining authorization and verification from Complainants as required by the Commission's rules.² We conclude that MCI's actions did not result in unauthorized changes in Complainants' telecommunications service providers as defined in the rules, and we deny Complainants' complaints.

2. Section 258 of the Communications Act of 1934, as amended (the Act), 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 The Commission's implementing rules require, among other things, that a carrier receive individual subscriber consent before a carrier change may occur.⁴ Specifically, a carrier must: (1) obtain the subscriber's written or electronically signed authorization in a format that satisfies our rules; (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 order.⁵ 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 are changed without authorization.⁶

¹ See Appendix.

² See 47 CFR §§ 64.1100 – 64.1190.

³ 47 U.S.C. § 258(a).

⁴ See 47 CFR § 64.1120.

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.

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

(continued....)

3. We received Complainants' complaints alleging that Complainants' telecommunications service providers had been changed without Complainants' authorization.⁷ Pursuant to our rules, we notified MCI of the complaints and MCI responded.⁸ In each case, the evidence shows that MCI did not submit a request to change Complainants' telecommunications service providers. Rather, in some cases the consumer mistakenly believed MCI had switched his/her provider when, in fact, a reseller of MCI's long distance service had submitted the switch at the consumer's request. In the other cases, the consumer's local telephone company routed long distance calls on MCI's network in error. We therefore find that MCI's actions did not result in "unauthorized changes" in Complainants' telecommunications service providers, as defined by the rules.⁹

4. 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 filed against MCI, Inc. ARE DENIED.

5. IT IS FURTHER ORDERED that this Order is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Sincerely,


Nancy Stevenson
Deputy Chief
Consumer Policy Division
Consumer & Governmental Affairs Bureau

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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.

⁷ *See* Appendix.

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).

⁹ *See id.* § 64.1100(e). If either 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.

APPENDIX

<u>INFORMAL COMPLAINT NUMBER</u>	<u>DATE OF COMPLAINT</u>	<u>DATE OF RESPONSE</u>
172559	March 11, 2015	April 15, 2015
462896	August 12, 2015	August 24, 2015
1550064	April 6, 2017	May 11, 2017
1696274	June 10, 2017	June 26, 2017
2103452	December 13, 2017	February 12, 2018
2221075	February 7, 2018	March 7, 2018
2594783	June 26, 2018	August 8, 2018
2933572	November 21, 2018	December 11, 2018