

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

In the Matter of)	
)	
Telplex Communications)	Complaint Nos. 2914908
)	2944739
Complaints Regarding)	
Unauthorized Change of)	
Subscribers' Telecommunications Carrier)	

ORDER

Adopted: June 18, 2019

Released: June 18, 2019

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

1. In this Order, we consider two complaints¹ alleging that Telplex Communications (Telplex) changed Complainants' telecommunications service providers without obtaining authorization and verification from Complainants as required by the Commission's rules.² We conclude that Telplex has responded fully to the Complainants' complaints and has taken action to resolve the 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 were changed without authorization.⁶

¹ See Informal Complaint Nos. 2914908 filed (Nov. 13, 2018) and 2944739 (filed Nov. 28, 2018).

² See 47 CFR §§ 64.1100 – 64.1190.

³ 47 U.S.C. § 258(a).

⁴ See 47 CFR § 64.1120.

⁵ See 47 CFR § 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 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.

3. We received Complainants' complaints alleging that Telplex had changed Complainants' telecommunications service providers without Complainants' authorization. Pursuant to our rules,⁷ we notified Telplex of the complaints.⁸ Based on the information provided by Telplex, it appears that Telplex has fully absolved Complainants of all charges assessed by Telplex in a manner consistent with the Commission's liability rules.⁹ We therefore find that the complaints referenced herein have been resolved.¹⁰

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 Telplex Communications ARE RESOLVED.

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

FEDERAL COMMUNICATIONS COMMISSION



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

⁷ *Id.* § 1.719 (Commission procedure for informal complaint filed pursuant to Section 258 of the Act); *id.* § 64.1150 (procedures for resolution of unauthorized changes in preferred carrier).

⁸ *See* Telplex's Response to Informal Complaint No. 2914908 (filed Dec. 14, 2018); Response to Informal Complaint No. 2944739 (filed June 13, 2019).

⁹ 47 CFR § 64.1160.

¹⁰ If either Complainant is unsatisfied with the resolution of its complaint, the 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.