

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

In the Matter of
Telplex Communications d/b/a RingPlanet
Complaint Regarding
Unauthorized Change of
Subscriber's Telecommunications Carrier
Complaint No. 3745470

ORDER

Adopted: February 27, 2020

Released: February 27, 2020

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

1. In this Order, we consider a complaint alleging that Telplex Communications d/b/a RingPlanet (RingPlanet) changed Complainant's telecommunications service provider without obtaining authorization and verification from Complainant as required by the Commission's rules. We find that RingPlanet's actions did not result in an unauthorized change in Complainant's telecommunications service provider, and we deny Complainant's complaint.

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. The Commission's implementing rules require, among other things, that a carrier receive individual subscriber consent before a carrier change may occur. 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. The Commission has also adopted rules to limit the liability of subscribers when an unauthorized carrier change occurs, and to require carriers involved in slamming practices to compensate subscribers whose carriers were changed without authorization.

1 See Informal Complaint No. 3745470 (filed Jan. 8, 2020); see also 47 CFR §§ 64.1100 – 64.1190.

2 47 U.S.C. § 258(a).

3 See 47 CFR § 64.1120.

4 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.

5 These rules require the unauthorized 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 Complainant's complaint alleging that Complainant's telecommunications service provider had been changed without Complainant's authorization.⁶ In the complaint, Complainant alleges that she was "approached by a company that said that were AT&T to upgrade our lines."⁷ Complainant stated that she later learned "[t]hey were not AT&T but Ring Planet. [T]hey took over the phones on Dec. 27, 2019. They called it slamming. Had no idea."⁸ Complainant says her business then lost service altogether.

4. Pursuant to our rules, we notified RingPlanet of the complaint.⁹ RingPlanet responded to the complaint, stating that authorization to upgrade Complainant to RingPlanet's Voice over Internet Protocol (VoIP) service was received and confirmed through a letter of agency (LOA).¹⁰ RingPlanet provided a copy of the LOA, which provides that the consumer is "select[ing] RingPlanet as the network carrier for all local calls, intrastate toll calls, interstate toll and international calls for all numbers."¹¹ RingPlanet argues that it confirmed that Complainant "understood that RingPlanet is not affiliated with AT&T, had not been hired or contracted by AT&T, and was a competitor of her current carrier."¹² RingPlanet also asserts that it agreed to waive any outstanding charges on Complainant's account.

5. After reviewing all the evidence in the record, we find that RingPlanet switched Complainant to its VoIP service. The Commission's carrier change rules have not been extended to VoIP service.¹³ Thus, we conclude that RingPlanet's actions did not result in an "unauthorized change" in Complainant's telecommunications service provider, as defined in the rules.¹⁴

6. 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 complaint filed against Telex Communications d/b/a RingPlanet IS DENIED.

⁶ See Informal Complaint No. 3745470.

⁷ *Id.*

⁸ *Id.*

⁹ 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).

¹⁰ See RingPlanet Response to Informal Complaint No. 3745470 (filed Jan. 24, 2020).

¹¹ *Id.*

¹² *Id.*

¹³ See 47 CFR § 64.1120. We note that the Commission has sought comment on whether to extend slamming regulations to VoIP or other IP-enabled service providers. See *Enabled Services*, WC Docket No. 04-36, Notice of Proposed Rulemaking, 19 FCC Rcd 4863, 4910-11, paras. 71-72 (2004).

¹⁴ 47 CFR § 64.1100(e). If Complainant is unsatisfied with the resolution of its complaint, 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.

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

FEDERAL COMMUNICATIONS COMMISSION

Kurt A. Schroeder
Chief
Consumer Policy Division
Consumer and Governmental Affairs Bureau