



NEWS

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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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QUARTERLY REPORT ON INFORMAL CONSUMER INQUIRIES AND COMPLAINTS RELEASED

Washington, DC – The Commission has released its report on the inquiries and complaints processed by the Consumer & Governmental Affairs Bureau (CGB) during the third quarter of calendar year 2004.

Wireless complaints rose from 7,159 last quarter to 9,120 in the 3rd quarter, with increases in each of the five top categories. The Billing and Rate category recorded the biggest increase, rising from 3,732 to 4,927. Wireline complaints also experienced an increase, rising from 15,242 to 16,827. There were increases in each of the top five categories except Slamming, which dropped from 1,418 to 1,097.

Indecency Complaints, the top category of Radio and Television Broadcasting complaints, declined by more than 50%, dropping from 272,958 in the 2nd quarter to 122,061 in the 3rd quarter. The decline can be attributed to the receipt of fewer e-mail or write-in campaigns regarding specific radio or television broadcasts during the quarter. Cable Services complaints rose from 169 to 266, with increases in four of the five top categories.

Wireless inquiries decreased from 11,575 in the 2nd quarter to 10,237 in the 3rd quarter, with Number Portability dropping completely from the top categories list. Wireline inquiries also fell, with a sharp decline in the number Slamming inquiries accounting for the change. Radio and Television Broadcasting inquiries experienced a modest decline, falling from 7,645 in the 2nd quarter to 7,150 in the 3rd quarter. Cable inquiries recorded a modest increase, rising from 4,662 in the 2nd quarter to 4,710 in the 3rd quarter.

The Commission receives many inquiries and complaints that do not involve violations of the Communications Act, or a rule or order of the Commission. The existence of a complaint does not necessarily indicate wrongdoing by the company at issue.

- FCC -

CGB contact: Thomas Wyatt at (202) 418-1400.

REPORT ON INFORMAL CONSUMER INQUIRIES AND COMPLAINTS
3rd Quarter Calendar Year 2004
Executive Summary

This report tracks consumer inquiries and complaints processed by the Consumer & Governmental Affairs Bureau (CGB) received during the 3rd quarter of calendar year 2004.¹ Inquiries are defined as correspondence or communications received at the Commission from individuals seeking information on matters under the FCC's jurisdiction. Informal consumer complaints are defined as a communication received at CGB's consumer centers either via postal mail, fax, email or telephone from or on behalf of an individual that: (i) identifies a particular entity under the FCC's jurisdiction; (ii) alleges harm or injury; and (iii) seeks relief.

Wireless complaints rose from 7,159 last quarter to 9,120 in the 3rd quarter, with increases in each of the five top categories. The Billing and Rate category recorded the biggest increase, rising from 3,732 to 4,927. Wireline complaints also experienced an increase, rising from 15,242 to 16,827. There were increases in each of the top five categories except Slamming, which dropped from 1,418 to 1,097.

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The Commission receives many informal complaints that do not involve violations of the Communications Act, or a rule or order of the Commission. The existence of a complaint does not necessarily indicate wrongdoing by the company or companies at issue.

¹ The data reported reflect the complaints and inquiries recorded in CGB's automated tracking systems for the period July 1, 2004 to September 30, 2004. The information generated for this specific report is information entered into the tracking systems on or before a specific date. In addition, the data within this report account for statistics at the national level as reported to the Commission and, therefore, are not necessarily indicative of corresponding state or local trends.

Top Consumer Issues – Subject Category Reference Guide

CABLE SERVICES

Billing & Rates: Complaints/inquiries concerning billing matters and the rates charged for cable programming service (or expanded basic) tier on a cable system

Cable Modem Service: Complaints/inquiries regarding cable modem service.

Connections to Cable Systems: Complaints/inquiries regarding availability or quality of connections to cable systems.

Disability Issues: Complaints/inquiries regarding video description, closed captioning, and emergency access to video programming.

Over-The-Air-Reception-Devices (OTARD) Issues: Complaints/inquiries regarding the installation, maintenance or use of antennas -- including direct-to-home satellite dishes that are less than one meter (39.37") in diameter (or of any size in Alaska), TV antennas, and wireless cable antennas -- to receive video programming

Programming Issues: Complaints/inquiries regarding program content or the choice of channels or programs available to subscribers.

Satellite Issues: Complaints/inquiries regarding satellite.

Service Related Issues: Complaints/inquiries about the quality of service provided by cable operators.

RADIO & TELEVISION BROADCASTING

Disability Issues: Complaints/inquiries regarding video description, closed captioning, and emergency access to video programming.

General Broadcast Information: Inquiries regarding general broadcast requirements, licenses, and community obligations.

How to Start Broadcast Station: Inquiries regarding starting a broadcast station.

Low Power Issues: Inquiries regarding low power TV and low power radio

Political Programming: Inquires regarding political programming.

Programming Issues

- Indecency/Obscenity: Complaints/inquiries regarding broadcast programs that allegedly contain indecent or obscene material
- Loud Commercials: Complaints/inquiries regarding abrupt changes in volume during transition from regular programming to commercials
- Religious: Complaints/inquiries regarding religious programs
- Violence: Complaints/inquiries regarding violence in programs
- General Content Criticism: generalized concerns regarding the content of broadcast programs

WIRELESS TELECOMMUNICATIONS

Amateur License Issue: Inquiries regarding Amateur license acquisition, requirements, eligibility, and replacement

Billing and Rates-Related – Includes the Following Subcategories:

Billing/Rates - Airtime Charges: Complaints/inquiries regarding charges to subscriber for actual time spent talking on a wireless phone

Billing/Rates-Credit/Refunds/Adjustments: Complaints/inquiries regarding credits, refunds, or bill adjustments

Billing/Rates - Line Items: complaints/inquiries regarding surcharges and taxes appearing on a phone bill

- Access Charge: Complaints/inquiries regarding miscellaneous line items charges
- E-911: Complaints/inquiries regarding provision of automatic location information and automatic number identification via a wireless phone used to contact a 911 call center.
- Taxes: Complaints/inquiries regarding taxes appearing on cellular bill
- Universal Service: Complaints/inquiries about the availability and affordability of phone service for low income consumers in geographic areas where the costs of providing telephone service is high

Billing/Rates – Recurring Charges: Complaints/inquiries over recurring monthly charges that appear on a customer’s bill

Billing/Rates – Roaming Rates: Complaints/inquiries about charges assessed to the subscriber for wireless calls made while roaming in another carrier’s territory

Billing/Rates – Rounding: Complaints/inquiries about the practice of rounding calls to a full minute

Billing/Rates – Service Plan Rate: Complaints/inquiries about the terms and conditions of service:

- Activation Fee: usually one time charge to initiate service
- Off-Peak: specified time where per-minute rate is lower
- Optional Services: including caller-id, voice mail, road-rescue, etc.
- Peak: specified time where per-minute rate is higher
- Prepaid Service: subscriber pays for service in advance
- Promo Plan: including minute allowances
- Security Deposit: usually one time charge that is held by the carrier for a specified timeframe in order for subscriber to acquire service

Carrier Marketing & Advertising: Complaints/inquiries regarding advertising and marketing practices of carriers including alleged misrepresentations

Contract – Early Termination: Complaints/inquiries regarding termination of a subscriber’s service prior to end of specified contract term

- Termination of Service by subscriber: subscriber’s liability for terminating service prior to specified contract term
- Termination of Service by carrier: carrier’s right to disconnect a subscriber’s service prior to end of a specified contract term

Electrical Interference Issue: Inquiries regarding unwanted signals from nearby transmitters to home entertainment electronic equipment.

General Mobile Radio Service (GMRS) License Issue: Inquiries regarding GMRS license acquisition, requirements, eligibility, and replacement.

Land Mobile (LM) License Issue: Inquiries regarding LM license acquisition, requirements, eligibility, and replacement.

Service – Quality/Coverage: Complaints/inquiries regarding quality of service or the lack of coverage within a geographic area served by a wireless provider:

- Dead Spots: inability to receive service within certain areas
- Dropped Calls: premature termination of calls
- Home Area Service: overall quality of service within the subscriber’s local calling area
- Network Busy Signal: involving calls that do not go through because of overcrowding of the service frequencies
- Roaming Availability: availability of service outside the subscriber’s local calling area
- Roaming Service: overall quality of service while roaming
- Service Interruption: inability to use cellular phone because service was interrupted by service provider

WIRELINTELECOMMUNICATIONS

Billing and Rates-Related – Includes the Following Subcategories:

Billing/Rates Credit/Refunds/Adjustments: Complaints/inquiries about credits, refunds, or adjustments allegedly owed to the subscriber

Billing/Rates – Line Item: Complaints/inquiries about the line items appearing on telephone bills:

- Access – Subscriber Line Charge: questions regarding subscriber local-loop line charges for maintaining residential and business and telephone access to the network
- Access – Universal Service: questions regarding the FCC’s universal service fund-affordable access to basic telephone service for low-income consumers and consumers in high-cost areas, and communications services for schools and libraries and health care facilities
- Interstate Directory Assistance: questions about charges assessed for access to directory assistance information
- Taxes on Telephone Bill: questions about local, state, or federal taxes appearing on a telephone bill
- Truth in Billing - No Service Provider ID: Complaints/inquiries about whether the name of the service provider and/or contact information for the service provider is easily identifiable on the bill
- Truth in Billing - Bundled Charges: Complaints/inquiries about whether bills contain plain language description and breakdown of charges for each carrier when multiple carriers appear on the bill
- Truth in Billing - No Payment Solution: Complaints/inquiries about whether a bill clearly distinguishes charges for which nonpayment will result in disconnection from those that will not result in disconnection

Billing/Rates – Rates: Miscellaneous complaints/inquiries about the rates and charges billed by telephone companies:

- Casual Call Billing: rates billed for calls placed from non-public phones through a carrier who is not the presubscribed carrier for the telephone (or which does not recognize a telephone number as that of a subscriber)
- Double Billing: dispute involving alleged double billing for calls or services
- DSL Rate Problem: DSL promotion plan rates allegedly altered or unspecified to consumer
- International Internet Dial-up: international calls (routed to places like Chad, Madagascar or other countries) that were billed to consumers as a result of using local (domestic) Internet service providers to access websites
- International Calls – Rates: international calls, rates and/or service that either originate or terminate in the U.S.

- International 809# Billing: 809 area code collect call and consumer dialing scam
- 900 Pay-Per-Call Billing: commercially provided interstate 900 number information or entertainment services
- OSP Rates: rates charged for interstate calls placed from public phones
- Rates for Interstate Telecommunications Services – Billing: disputes about interstate rates and charges

Billing/Rates – Recurring Charges: Complaints/inquiries about recurring charges that appear on a customer’s bill

Carrier Marketing & Advertising: Complaints/inquiries regarding the marketing and advertising practices of interexchange carriers

Card (Calling & Prepaid) Issues: Complaints/inquiries regarding long distance service provider issued and/or prepaid calling cards.

Cramming: Complaints/inquiries about allegedly unauthorized, misleading, or deceptive charges appearing on a telephone bill.

Slamming: Complaints/inquiries regarding the practice of changing a subscriber’s telecommunications service provider (or a calling plan) without the subscriber’s permission

- International slam: changing a subscriber’s international long distance service without permission
- Local Service slammed: changing a subscriber’s local or regional intrastate long distance service without permission
- Local and Long Distance slammed: changing a subscriber’s local and long distance service without permission
- Long Distance slammed: changing a subscriber’s interstate telephone company service without permission
- Slamming w/Problem LOA: changing a subscriber’s interstate telephone company based on fraudulent signed documents or illegal format, such as sweepstake.

Telephone Consumer Protection Act (TCPA): Complaints/inquiries regarding compliance with the TCPA:

- Artificial or Prerecorded Message and/or ATDS: calls to a residence using an artificial or prerecorded voice to deliver a message without prior consent of the called party prohibited unless an emergency exists
- Do Not Call List Request Not Honored: no person or entity may initiate any telephone solicitation to a residential telephone subscriber-- unless such person or entity has instituted procedures for maintaining a list of persons who have requested not to receive telephone solicitations

- Fax Complaint: unsolicited (“junk”) faxes or the use of a computer or other device to send any messages via a telephone facsimile prohibited unless such message clearly contains the date and time it is sent and an identification of the business, other entity or individual sending the message
- TCPA General Solicitations: the initiation of a call or message for the purpose of encouraging the purchase or rental of, or investment in property, goods, or services
- Time of Day violation: no person or entity may initiate any telephone solicitation to a residential telephone subscriber before 8 a.m. or after 9 p.m. (local time based on the called party’s location)

Summary of Top Consumer Complaint* Subjects
Processed by the FCC's Consumer & Governmental Affairs Bureau (CGB)
Third Quarter - Calendar Year 2004

	July	August	September	Quarter Total
Cable Services				
Billing & Rates	40	42	35	117
Cable Modem Service	4	10	11	25
Disability Issues	6	4	3	13
Programming Issues	24	15	17	56
Service Related Issues	17	16	22	55
Totals	91	87	88	266

	July	August	September	Quarter Total
Radio & Television Broadcasting				
Disability Issues	7	9	20	36
Programming - General Criticism	72	90	81	243
Programming - Indecency/Obscenity**	949	922	119,817	121,688
Other Programming Issues	8	13	73	94
Totals	1,036	1,034	119,991	122,061

	July	August	September	Quarter Total
Wireless Telecommunications				
Billing & Rates	1,671	1,785	1,471	4,927
Carrier Marketing & Advertising	338	348	310	996
Contract - Early Termination	481	470	428	1,379
Number Portability	293	242	168	703
Service Quality	362	428	325	1,115
Totals	3,145	3,273	2,702	9,120

	July	August	September	Quarter Total
Wireline Telecommunications				
Billing & Rates	1,748	1,818	1,515	5,081
Carrier Marketing & Advertising	244	197	173	614
Service Quality	182	231	210	623
Slamming	371	397	329	1,097
Telephone Consumer Protection Act	2,685	2,291	4,436	9,412
Totals	5,230	4,934	6,663	16,827

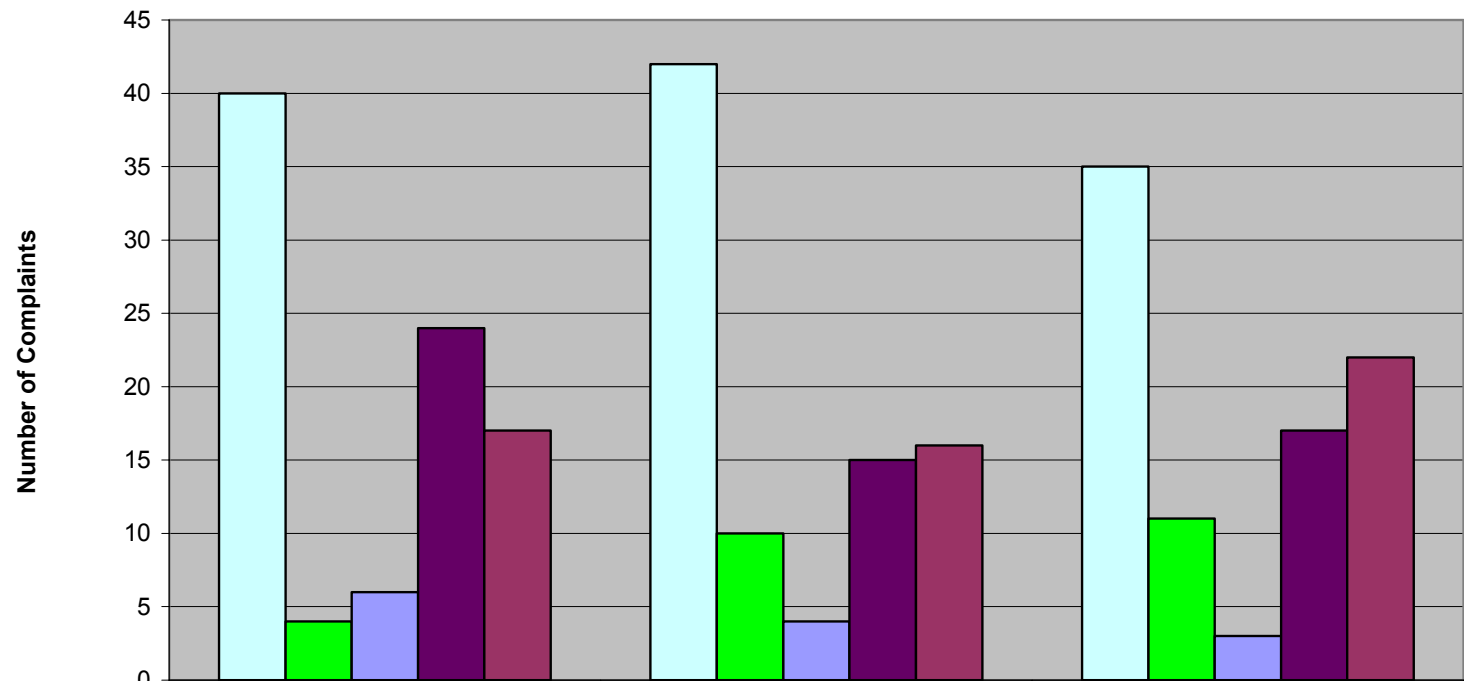
NOTES: (1) See attachment for brief description of subject categories.

* A complaint is defined as a communication received at CGB's consumer centers either via letter, fax, email or telephone from or on behalf of an individual that: (i) identifies a particular entity under the FCC's jurisdiction; (ii) alleges harm or injury; and (iii) seeks relief. The FCC receives many complaints that do not involve violations of the Communications Act or a FCC rule or order. The existence of a complaint does not necessarily indicate wrongdoing by the company involved.

** Complaints regarding alleged indecency/obscenity during specific broadcasts are forwarded to the Enforcement Bureau (EB) for appropriate handling. The reported counts reflect complaints received directly by CGB, complaints forwarded to EB, complaints received separately by EB, and complaints emailed to the FCC Commissioner's offices and FCCINFO. The reported data may also include duplicate complaints or contacts that subsequently are determined insufficient to constitute actionable complaints.

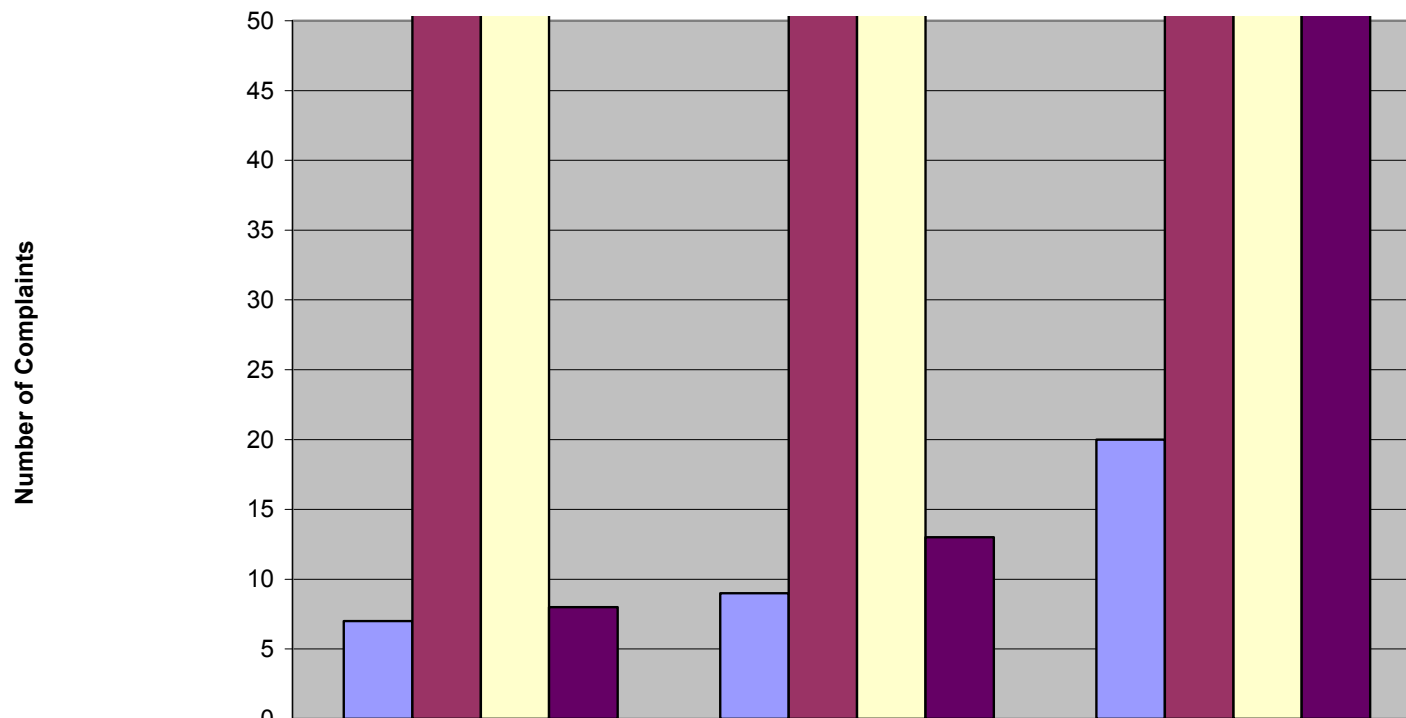
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**Consumer & Governmental Affairs Bureau
Top Cable Service Consumer Complaints
Third Quarter - Calendar Year 2004**



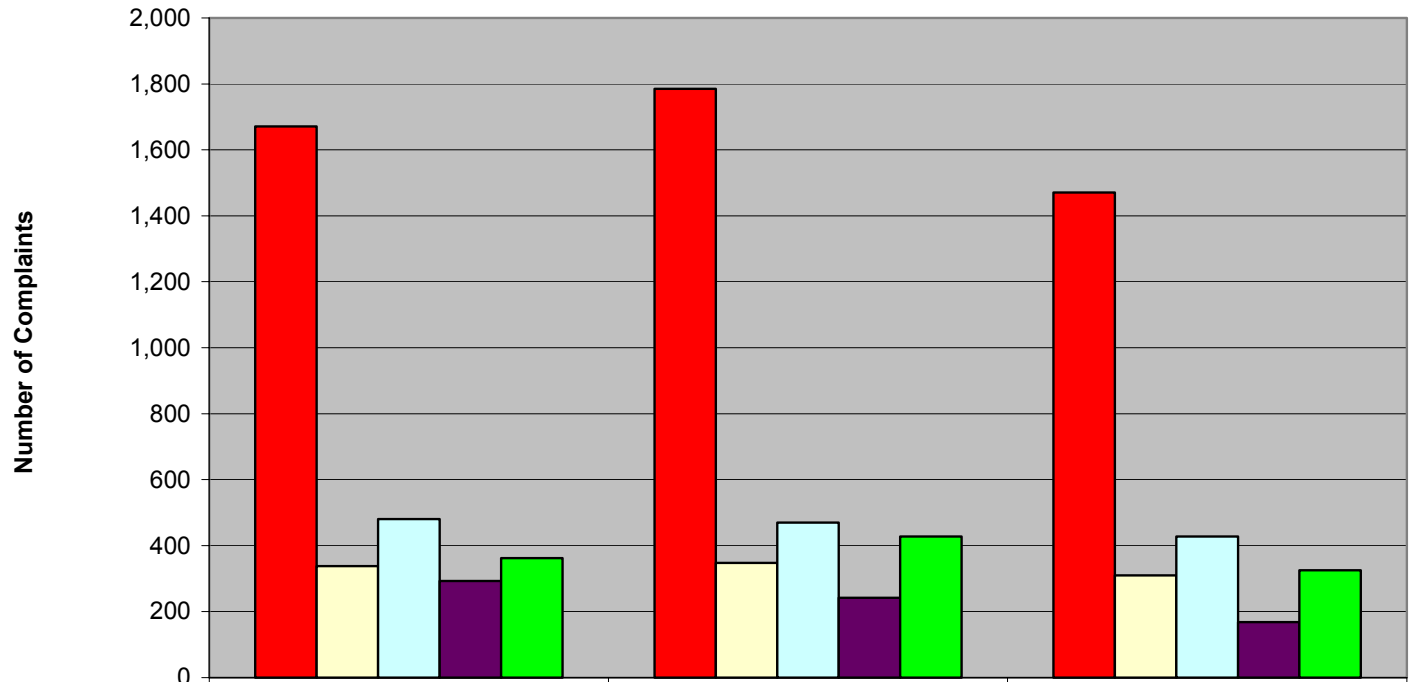
	July	August	September
□ Billing & Rates	40	42	35
■ Cable Modem Service	4	10	11
■ Disability Issues	6	4	3
■ Programming Issues	24	15	17
■ Service Related Issues	17	16	22

**Consumer & Governmental Affairs Bureau
Top Radio & Television Broadcasting Consumer Complaints
Third Quarter - Calendar Year 2004**



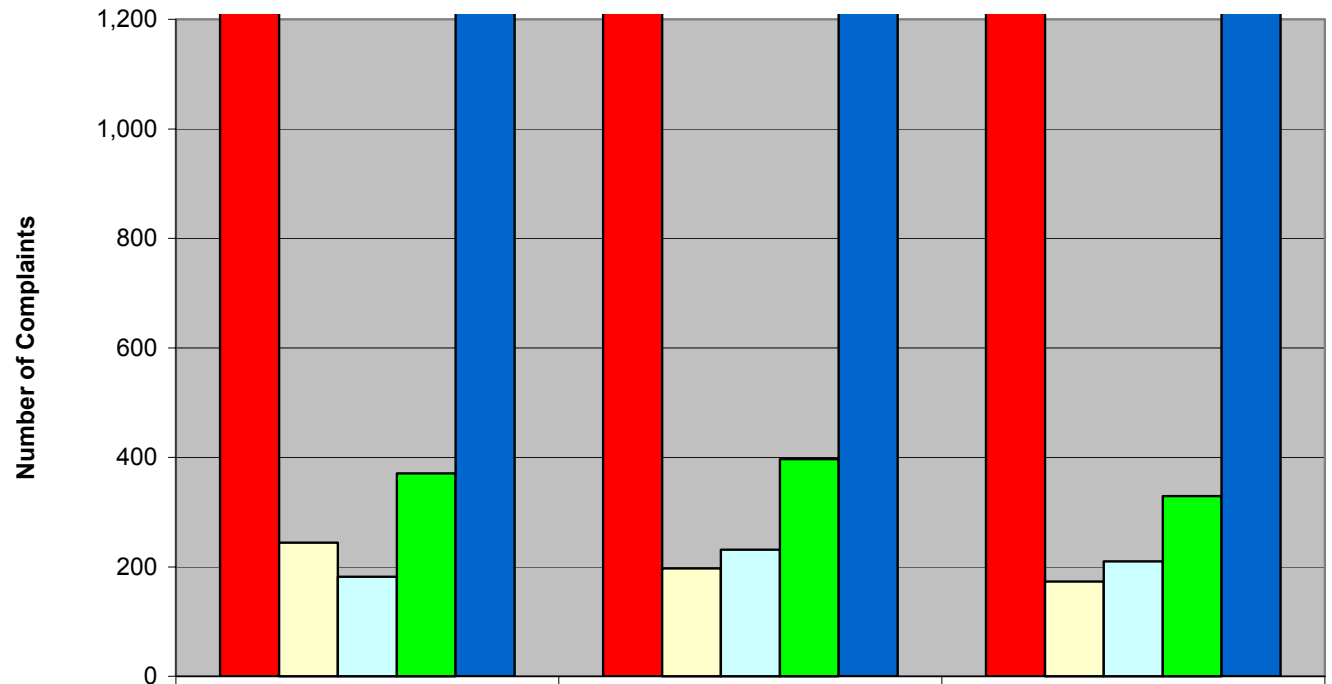
	July	August	September
■ Disability Issues	7	9	20
■ Programming - General Criticism	72	90	81
■ Programming - Indecency/Obscenity**	949	922	119,817
■ Other Programming Issues	8	13	73

**Consumer & Governmental Affairs Bureau
Top Wireless Telecommunications Consumer Complaints
Third Quarter - Calendar Year 2004**



	July	August	September
■ Billing & Rates	1,671	1,785	1,471
□ Carrier Marketing & Advertising	338	348	310
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■ Number Portability	293	242	168
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**Consumer & Governmental Affairs Bureau
Top Wireline Telecommunications Consumer Complaints
Third Quarter - Calendar Year 2004**



	July	August	September
■ Billing & Rates	1,748	1,818	1,515
■ Carrier Marketing & Advertising	244	197	173
■ Service Quality	182	231	210
■ Slamming	371	397	329
■ Telephone Consumer Protection Act	2,685	2,291	4,436

Summary of Top Consumer Inquiry* Subjects
Processed by the FCC's Consumer & Governmental Affairs Bureau (CGB)
Third Quarter - Calendar Year 2004

	July	August	September	Quarter Total
Cable Services				
Over the Air Reception Device Issues	227	275	217	719
Programming Issues	606	273	229	1,108
Satellite Home Viewer Improvement Act Issues	226	186	204	616
Satellite Issues	262	295	262	819
Service-Related Issues	521	484	443	1,448
<i>Totals</i>	1,842	1,513	1,355	4,710

	July	August	September	Quarter Total
Radio & Television Broadcasting				
General Broadcast Information	222	214	218	654
How to Start Broadcast Station	170	138	128	436
Low Power Broadcast Information	127	126	119	372
Political Programming	141	134	174	449
Programming & Content	1,907	1,012	2,320	5,239
<i>Totals</i>	2,567	1,624	2,959	7,150

	July	August	September	Quarter Total
Wireless Telecommunications				
Amateur License	501	531	422	1,454
Billing & Rates	238	163	144	545
Electrical Interference	1,698	2,118	2,074	5,890
General Mobile Radio Service License	603	533	468	1,604
Land Mobile License	248	282	214	744
<i>Totals</i>	3,288	3,627	3,322	10,237

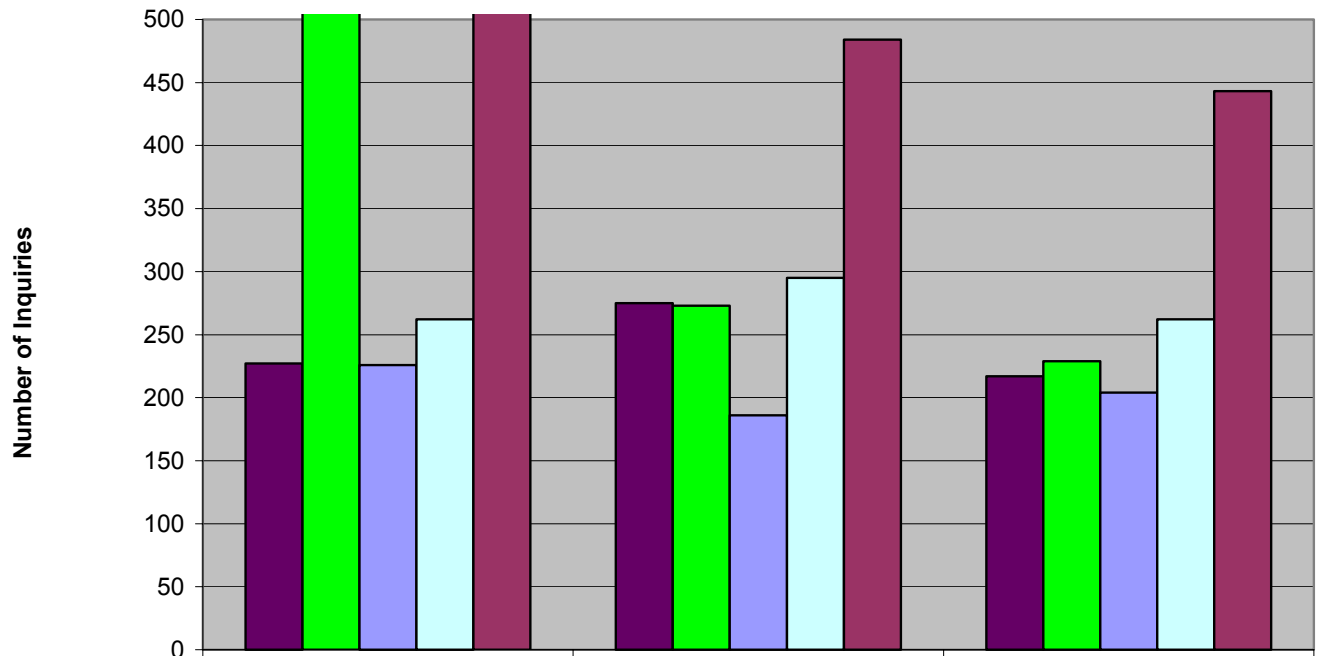
	July	August	September	Quarter Total
Wireline Telecommunications				
Billing & Rates	1,572	1,685	1,438	4,695
Card (Calling & Prepaid) Issues	1,225	135	75	1,435
Cramming	2,952	3,949	3,745	10,646
Slamming	5,526	6,465	5,386	17,377
Telephone Consumer Protection Act	3,845	3,036	3,750	10,631
<i>Totals</i>	15,120	15,270	14,394	44,784

NOTES:

* An inquiry is defined as a correspondence received at CGB's consumer centers either via letter, fax, email or telephone from individuals seeking information on matters under the FCC's jurisdiction.

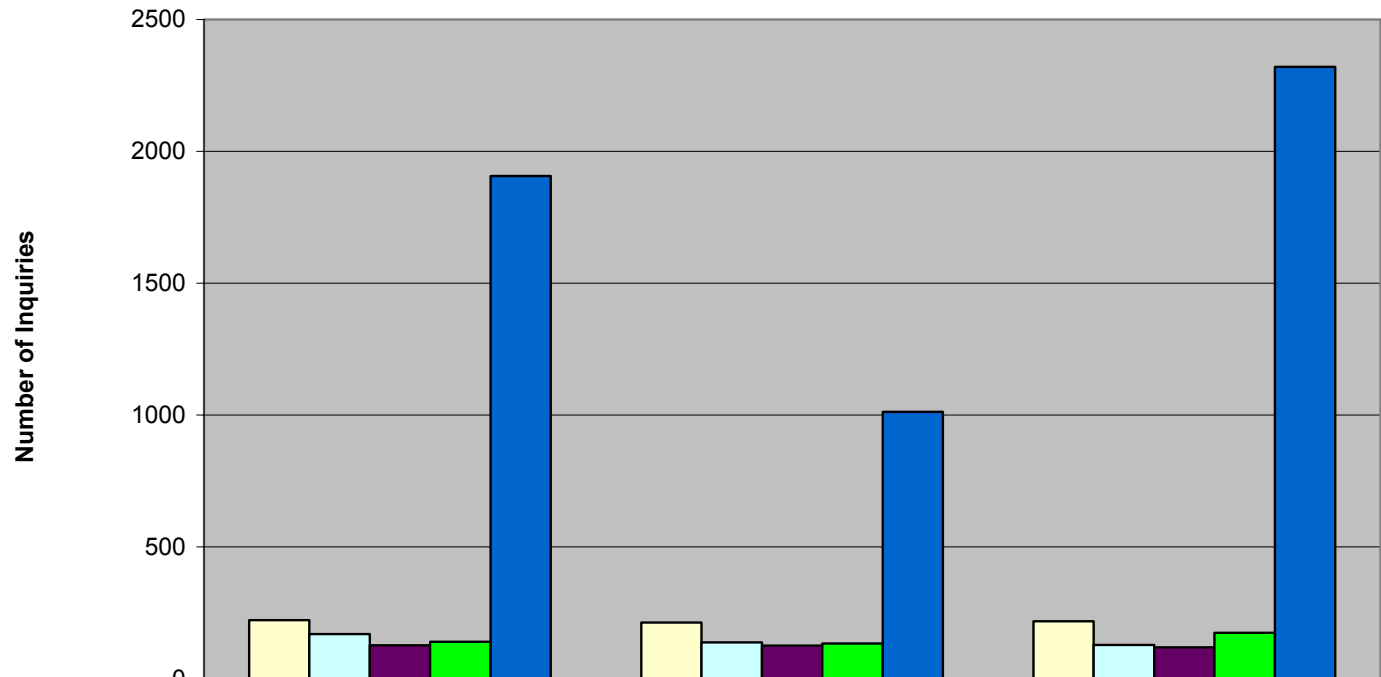
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**Consumer & Governmental Affairs Bureau
Top Cable Service Consumer Inquiries
Third Quarter - Calendar Year 2004**



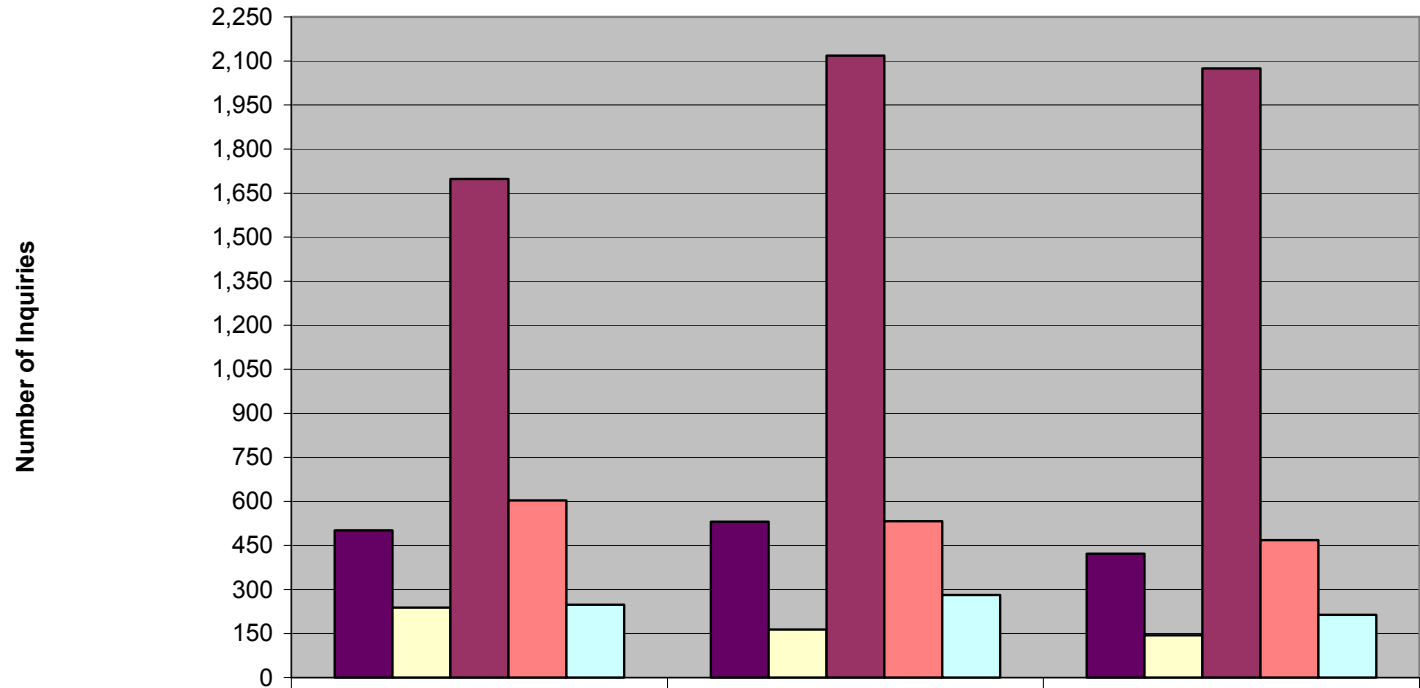
	July	August	September
■ Over the Air Reception Device Issues	227	275	217
■ Programming Issues	606	273	229
■ Satellite Home Viewer Improvement Act Issues	226	186	204
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■ Service-Related Issues	521	484	443

**Consumer & Governmental Affairs Bureau
Top Radio & Television Broadcasting Inquiries
Third Quarter - Calendar Year 2004**



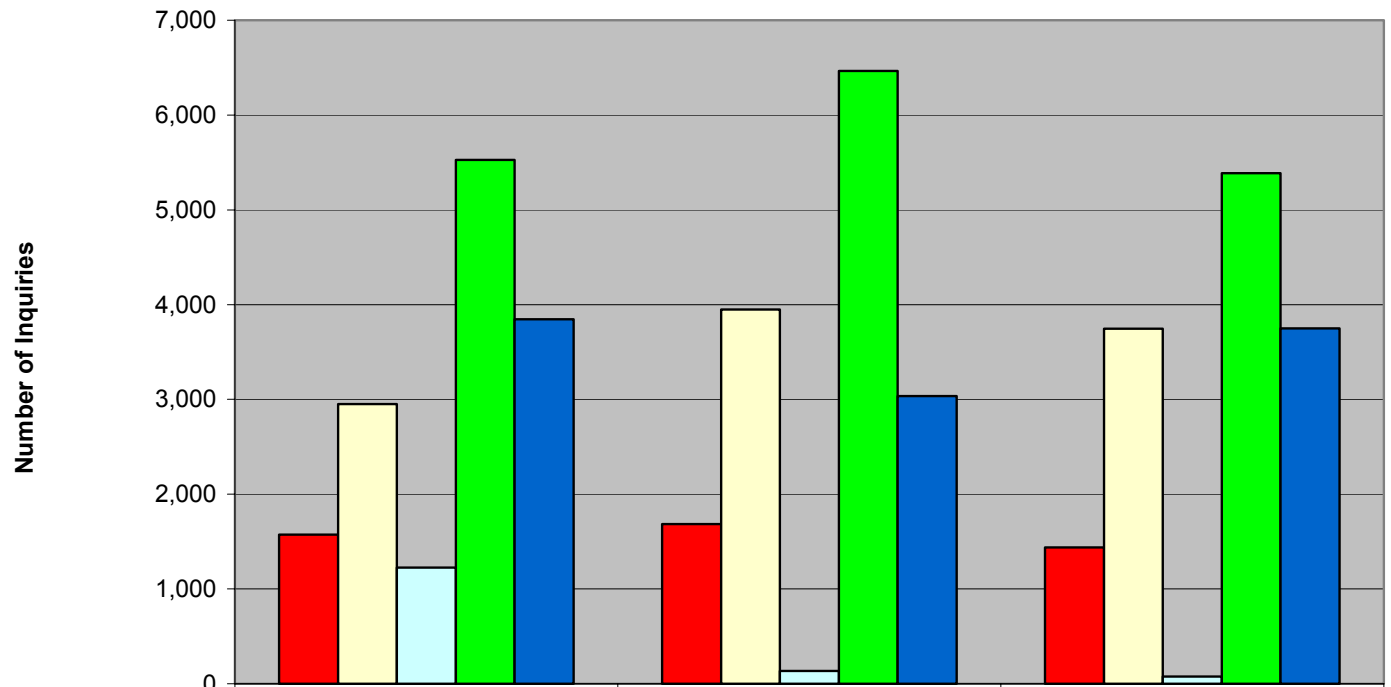
	July	August	September
General Broadcast Information	222	214	218
How to Start Broadcast Station	170	138	128
Low Power Broadcast Information	127	126	119
Political Programming	141	134	174
Programming & Content	1,907	1,012	2,320

**Consumer & Governmental Affairs Bureau
Top Wireless Telecommunications Consumer Inquiries
Third Quarter - Calendar Year 2004**



	July	August	September
■ Amateur License	501	531	422
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**Consumer & Governmental Affairs Bureau
Top Wireline Telecommunications Consumer Inquiries
Third Quarter - Calendar Year 2004**



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