

**SEPARATE STATEMENT OF
CHAIRMAN MICHAEL K. POWELL**

RE: Truth-in-Billing and Billing Format (CC Docket No. 98-170); National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling (CG Docket No. 04-208), Second Report and Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking.

Wireless consumers deserve accurate, meaningful billing information in a format they can understand. Today's item places the power of choice in the hands of the American consumer by eliminating the current exemption for CMRS carriers from providing customers' with brief, clear and non-misleading billing descriptions, and makes additional clarifications to our existing truth-in-billing rules to facilitate the provision of accurate consumer information.

Today's item also opens the door for public comment on additional measures to facilitate the ability of consumers to make informed choices among competitive telecommunications service offerings. Moreover, our proposal that carriers must disclose the full rate at the point of sale would ensure that consumers are given information at a critical time that they can use it in evaluating their competitive choices, and is especially important where early contract termination fees apply.

Nonetheless, as Congress recognized, wireless service is inherently an interstate service. As a result, it is simply not sustainable to have a multitude of divergent, and at times intrusive, state-by-state billing regulations. Targeted federal regulation that applies to *all* carriers protects consumers and allows those carriers with national rate plans, such as IXC's and CMRS providers, to operate. However, no action that we take in this *Order* and the *Declaratory Ruling* below limits states' authority to enforce their own generally applicable consumer protection laws, to the extent such laws do not require or prohibit use of line items. Indeed, like our approach to voice over Internet protocol, we envision an active state partnership in enforcing whatever further rules and guidelines are adopted in this proceeding.