



# NEWS

Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D. C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

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

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News Media Contact:  
Rosemary Kimball at (202) 418-0511  
e-mail: [rosemary.kimball@fcc.gov](mailto:rosemary.kimball@fcc.gov)  
Dan Rumelt at (202) 418-7512  
Email: [dan.rumelt@fcc.gov](mailto:dan.rumelt@fcc.gov)

## FOURTH QUARTER 2009 REPORT ON INFORMAL CONSUMER INQUIRIES AND COMPLAINTS RELEASED

Washington, DC – The Commission has released its report on the top subject areas for inquiries and complaints processed by the Consumer & Governmental Affairs Bureau (CGB) during the fourth quarter of calendar year 2009.

2009 Fourth Quarter Inquiries. During this quarter, the total number of inquiries for all four reported categories decreased more than 7%, from 26,605 in the 3<sup>rd</sup> quarter of 2009 to 24,496 in the 4<sup>th</sup> quarter of 2009. Notably, the number of Radio and Television Broadcasting inquiries decreased nearly 14% from 6,307 in the 3<sup>rd</sup> quarter of 2009 to 5,449 in the 4<sup>th</sup> quarter of 2009. The bulk of the Radio and Television Broadcasting inquiries, i.e., more than 53%, pertained to Broadcast Programming Issues. Wireline inquiries decreased more than 13% from 12,754 in the 3<sup>rd</sup> quarter of 2009 to 10,979 in the 4<sup>th</sup> quarter of 2009. Telephone Consumer Protection Act (TCPA) inquiries constituted more than 54% of the inquiries in this category. The number of Cable and Satellite Services inquiries increased nearly 8%, as compared to the 3<sup>rd</sup> quarter from 3,669 to 3,981. Inquiries regarding Billing and Rates Issues constituted more than 47% of the inquiries in this category. Wireless inquiries increased more than 5% from 3,875 in the 3<sup>rd</sup> quarter of 2009 to 4,087 in the 4<sup>th</sup> quarter of 2009.

2009 Fourth Quarter Complaints. During this quarter, complaints in the reported categories decreased more than 14%, from 62,660 in the 3<sup>rd</sup> quarter of 2009 to 53,661 in the 4<sup>th</sup> quarter of 2009. In this regard, there was a notable increase in the Radio and Television Broadcasting category, where complaints increased from 6,700 in the 3<sup>rd</sup> quarter of 2009 to 9,740 in the 4<sup>th</sup> quarter of 2009 an increase of more than 45%. Cable & Satellite Services complaints decreased 36% from 2,910 in the 3<sup>rd</sup> quarter of 2009 to 1,851 in the 4<sup>th</sup> quarter of 2009. Further, Wireless Telecommunications complaints decreased 10% from 18,125 in the 3<sup>rd</sup> quarter of 2009 to 16,145 in the 4<sup>th</sup> quarter of 2009. TCPA issues comprised nearly 71% of the complaints in this category. Wireline Telecommunications complaints decreased by over 25% in the 4<sup>th</sup> quarter of 2009 to 25,925 from 34,925 in the 3<sup>rd</sup> quarter of 2009. Telephone Consumer Protection Act - Other Issues, Telephone Consumer Protection Act - Do Not Call List and Telephone Consumer Protection Act – Unsolicited Fax ranked as the top categories of Wireline Telecommunications complaints and when combined, totaled over 85% of the complaints in the reported sub-categories.

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. The quarterly report on informal consumer inquiries and complaints release can be viewed at: <http://www.fcc.gov/cgb/quarter/welcome.html>.

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**REPORT ON INFORMAL CONSUMER INQUIRIES AND COMPLAINTS**  
**4th Quarter Calendar Year 2009**  
**Executive Summary**

This report tracks the top subject areas for consumer inquiries and complaints received during the 4<sup>th</sup> quarter of calendar year 2009 and processed by the Consumer & Governmental Affairs Bureau (CGB).<sup>i</sup> Inquiries are defined as correspondence or communications received at the Commission from individuals seeking information on matters under the FCC's jurisdiction. An informal consumer complaint is defined as a communication received at CGB's Consumer Centers either via postal mail, fax, electronic mail (e-mail), internet, 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.

2009 Fourth Quarter Inquiries. During this quarter, the total number of inquiries for all four reported categories decreased more than 7%, from 26,605 in the 3<sup>rd</sup> quarter of 2009 to 24,496 in the 4<sup>th</sup> quarter of 2009. Notably, the number of Radio and Television Broadcasting inquiries decreased nearly 14% from 6,307 in the 3<sup>rd</sup> quarter of 2009 to 5,449 in the 4<sup>th</sup> quarter of 2009. The bulk of the Radio and Television Broadcasting inquiries, i.e., more than 53%, pertained to Broadcast Programming Issues. Wireline inquiries decreased more than 13% from 12,754 in the 3<sup>rd</sup> quarter of 2009 to 10,979 in the 4<sup>th</sup> quarter of 2009. Telephone Consumer Protection Act (TCPA) inquiries constituted more than 54% of the inquiries in this category. The number of Cable and Satellite Services inquiries increased nearly 8%, as compared to the 3<sup>rd</sup> quarter from 3,669 to 3,981. Inquiries regarding Billing and Rates Issues constituted more than 47% of the inquiries in this category. Wireless inquiries increased more than 5% from 3,875 in the 3<sup>rd</sup> quarter of 2009 to 4,087 in the 4<sup>th</sup> quarter of 2009.

2009 Fourth Quarter Complaints. During this quarter, complaints in the reported categories decreased more than 14%, from 62,660 in the 3<sup>rd</sup> quarter of 2009 to 53,661 in the 4<sup>th</sup> quarter of 2009. In this regard, there was a notable increase in the Radio and Television Broadcasting category, where complaints increased from 6,700 in the 3<sup>rd</sup> quarter of 2009 to 9,740 in the 4<sup>th</sup> quarter of 2009 an increase of more than 45%. Cable & Satellite Services complaints decreased 36% from 2,910 in the 3<sup>rd</sup> quarter of 2009 to 1,851 in the 4<sup>th</sup> quarter of 2009. Further, Wireless Telecommunications complaints decreased 10% from 18,125 in the 3<sup>rd</sup> quarter of 2009 to 16,145 in the 4<sup>th</sup> quarter of 2009. TCPA issues comprised nearly 71% of the complaints in this category. Wireline Telecommunications complaints decreased by over 25% in the 4<sup>th</sup> quarter of 2009 to 25,925 from 34,925 in the 3<sup>rd</sup> quarter of 2009. Telephone Consumer Protection Act - Other Issues, Telephone Consumer Protection Act - Do Not Call List and Telephone Consumer Protection Act – Unsolicited Fax ranked as the top categories of Wireline Telecommunications complaints and when combined, totaled over 85% of the complaints in the reported sub-categories.

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. The quarterly report on informal consumer inquiries and complaints release can be viewed at:  
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<sup>i</sup> The data reported reflects the complaints and inquiries recorded in CGB's automated tracking systems for the period October 1, 2009 to December 31, 2009. 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 by the Commission and, therefore, are not necessarily indicative of corresponding state or local trends.

**REPORT ON INFORMAL CONSUMER INQUIRIES AND COMPLAINTS**  
**4<sup>th</sup> Quarter Calendar Year 2009**  
**Top Consumer Issues – Subject Category Reference Guide**

**CABLE & SATELLITE SERVICES**

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

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

**Digital Television Issues:** Complaints/inquiries concerning digital TV service or the transition to digital TV

**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 Home Viewer Improvement Act (SHVIA) Issues:** Complaints/inquiries regarding SHVIA issues

**Service Related Issues:** Complaints/inquiries about the quality of service provided by cable operators or satellite programming distributors

**RADIO & TELEVISION BROADCASTING**

**Broadcast Programming Issues:** Complaints/inquiries related to general over-the-air programming issues

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

**Digital Television Issues:** Complaints/inquiries concerning digital TV service or the transition to digital TV

**Disability & Access Related Issues:** Complaints/inquiries regarding video description, closed captioning, and emergency access to video programming

**Interference:** Complaints/Inquiries regarding unwanted signals from nearby transmitters to home entertainment electronic equipment

### **Programming Issues**

- Indecency/Obscenity: Complaints/inquiries regarding programs that allegedly contain obscene, indecent or profane material
- General Criticism: Generalized concerns regarding the content of programs
- Other Programming Issues: Miscellaneous programming issues

## **WIRELESS TELECOMMUNICATIONS**

### **Billing & Rates – 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 wireless 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 a 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 a 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

**Interference:** Inquiries regarding unwanted signals from nearby transmitters to wireless communications equipment

**License Information (General):** Inquiries regarding General Mobile Radio Services (GMRS) license acquisition, requirements, eligibility, cancellation, frequency coordination, replacement and other general license related issues

**Service Related Issues:** 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 wireless phone because service was interrupted by service provider

**Telephone Consumer Protection Act (TCPA):** Complaints/inquiries regarding compliance with the TCPA requirements applicable to wireless telecommunications

**Tower Related Issues:** Complaints/inquiries involving light outages, paint, posting, zoning and registration

### **WIRELINE TELECOMMUNICATIONS**

**Billing & Rates – 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

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

**Service Quality:** Complaints/inquiries regarding the quality of service provided by telephone companies:

- DSL Service Inadequate: poor quality of service or service outage
- Interstate Telecommunications: poor call reception, service outage, service disconnects, or carrier's failure to release telephone line (and no charges are associated)
- Long Distance Service Treatment: inadequate customer service treatment by long distance carrier including, but not limited to, additional services being added without the consumer's knowledge or approval, etc.

**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) Issues:** Complaints/inquiries regarding compliance with TCPA:

- Do Not Call List: any telephone solicitation to a residential telephone subscriber who has requested not to receive telephone solicitations
- Unsolicited Fax: unsolicited ("junk") faxes or the use of a computer or other device to send any messages via a telephone facsimile
- Other Issues: Complaints/inquiries dealing with all other aspects of TCPA except Do Not Call List and Junk Fax

**Universal Service Issues:** Complaints/inquiries regarding contribution methodology, general information, rural health care and calculation increases.

**Summary of Top Consumer Inquiry \* Subjects**  
**Processed by the FCC's Consumer & Governmental Affairs Bureau (CGB)**  
**Fourth Quarter - Calendar Year 2009**

	October	November	December	Quarter Totals
<b>Cable &amp; Satellite Services</b>				
Programming Issues	162	134	119	415
Service Related Issues	189	147	153	489
Over-the-Air Reception Device Issues	183	189	157	529
Satellite Home Viewer Improvement Act Issues	247	230	199	676
Billing & Rates Issues	735	560	577	1,872
<i>Totals</i>	1,516	1,260	1,205	<b>3,981</b>

	October	November	December	Quarter Totals
<b>Radio and Television Broadcasting</b>				
Disability Issues	121	83	71	275
Carrier Marketing & Advertising	97	110	143	350
Digital Television Issues	291	260	190	741
Interference	352	490	339	1,181
Broadcast Programming Issues	1,098	950	854	2,902
<i>Totals</i>	1,959	1,893	1,597	<b>5,449</b>

	October	November	December	Quarter Totals
<b>Wireless Telecommunications</b>				
Tower Related Issues	115	94	89	298
Interference	227	73	175	475
Billing & Rates	235	231	253	719
Service Related Issues	425	355	339	1,119
License Information (General)	551	447	478	1,476
<i>Totals</i>	1,553	1,200	1,334	<b>4,087</b>

	October	November	December	Quarter Totals
<b>Wireline Telecommunications</b>				
Slamming	203	156	180	539
Universal Service Issues	483	381	369	1,233
Billing & Rates	555	424	444	1,423
Cramming	663	575	578	1,816
Telephone Consumer Protection Act Issues	2,274	1,944	1,750	5,968
<i>Totals</i>	4,178	3,480	3,321	<b>10,979</b>

**Notes:**

\* An inquiry is defined as any correspondence or communication received at CGB's Consumer Centers from individuals seeking information on matters under the FCC's jurisdiction.

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

(2) 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 and local trends.

\*\* The inquiries figures in this report represent volume for the categories and sub-categories listed in this report only and are not inclusive of all inquiries for all categories handled by the FCC.

**Summary of Top Complaint \* Subjects**  
**Processed by the FCC's Consumer & Governmental Affairs Bureau (CGB)**  
**Fourth Quarter - Calendar Year 2009**

	October	November	December	Quarter Totals
<b>Cable &amp; Satellite Services</b>				
Digital Television Issues	42	39	15	96
Carrier Marketing & Advertising	90	72	55	217
Service Related Issues	139	112	149	400
Billing & Rates Issues	151	157	139	447
Programming Issues	243	231	217	691
<i>Totals</i>	665	611	575	<b>1,851</b>

	October	November	December	Quarter Totals
<b>Radio and Television Broadcasting</b>				
Carrier Marketing & Advertising	51	58	51	160
Programming - General Criticism	121	345	97	563
Other Programming Issues	283	650	221	1,154
Digital Television Issues	782	359	247	1,388
Programming - Indecency/Obscenity**	516	5,215	744	6,475
<i>Totals</i>	1,753	6,627	1,360	<b>9,740</b>

	October	November	December	Quarter Totals
<b>Wireless Telecommunications</b>				
Contract - Early Termination	136	119	128	383
Carrier Marketing & Advertising	127	130	150	407
Service Related Issues	320	254	271	845
Billing & Rates	1,004	967	1,097	3,068
Telephone Consumer Protection Act	4,214	3,503	3,725	11,442
<i>Totals</i>	5,801	4,973	5,371	<b>16,145</b>

	October	November	December	Quarter Totals
<b>Wireline Telecommunications</b>				
Service Quality	234	218	261	713
Billing & Rates	1,133	953	970	3,056
Telephone Consumer Protection Act-Unsolicited Fax	2,182	1,816	1,655	5,653
Telephone Consumer Protection Act - Do Not Call List	2,934	2,328	2,427	7,689
Telephone Consumer Protection Act -Other Issues	3,318	2,845	2,651	8,814
<i>Totals</i>	9,801	8,160	7,964	<b>25,925</b>

**Notes:**

\* An informal consumer complaint is defined as any correspondence or communication received at CGB's Consumer Centers either via postal mail, fax, electronic mail (e-mail) 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) requests relief. The complaint figures in this report reflect selected categories of complaints -- namely, the top complaint subjects -- and are not inclusive of all complaints handled by the FCC.

\*\* The number of programming complaints assigned to each of the programming sub-categories is based on initial processing. The distribution of programming complaints among the sub-categories may change upon further review. Complaints regarding alleged indecency/obscenity/profanity during specific programs are forwarded to the Enforcement Bureau (EB) for appropriate handling. The number of programming complaints reported here reflects complaints received by CGB, complaints received separately by EB, and complaints e-mailed directly to the offices of the FCC Chairman and the respective offices of the Commissioners. The reported counts may include duplicate complaints or contacts that subsequently are determined insufficient to constitute actionable complaints.

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

(2) 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.