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

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QUARTERLY REPORT OF INFORMAL CONSUMER INQUIRIES AND COMPLAINTS FOR THIRD QUARTER OF CALENDAR YEAR 2010 RELEASED

Washington, DC – The Commission has released its Report of the top subject areas of informal consumer inquiries and complaints received and processed by the Consumer & Governmental Affairs Bureau (CGB) during the third quarter of calendar year 2010.

2010 Third Quarter Inquiries. During the third quarter of 2010, the overall number of inquiries for the top four reported inquiry categories decreased by more than 28% from the number received and processed by CGB during the previous quarter, from 24,871 during the second quarter of 2010, to 17,782. The number of Cable and Satellite Services inquiries decreased by nearly 32%, from 3,184 to 2,614. Inquiries regarding Billing and Rates Issues constituted more than 48% of the inquiries in this category during the third quarter. The number of Radio and Television Broadcasting inquiries decreased by nearly 29%, from 4,883 to 3,490. The bulk of these inquiries (more than 56%), pertained to broadcast programming issues. Wireless Telecommunications inquiries decreased by more than 27%, from 4,527 to 3,282. Wireline Telecommunications inquiries decreased more by than 31%, from 12,277 to 8,396, with Telephone Consumer Protection Act (TCPA) matters constituting more than 61% of the third quarter inquiries in this category.

2010 Third Quarter Complaints. During the third quarter of 2010, the overall number of complaints in the top four reported categories decreased by more than 30% from those received and processed during the second quarter of 2010, from 69,064 to 47,947. Cable & Satellite Services complaints decreased by nearly 3%, from 1,624 to 1,581. There was a notable decrease in the Radio and Television Broadcasting category, in which complaints decreased from 25,162 to 2,611, a drop of more than 89%. This decrease appears to be attributable to a substantial volume of complaints received during the second quarter that were a product of campaigns against particular programs. Wireless Telecommunications complaints increased by nearly 10%, from 16,441 to 18,064, with TCPA issues comprising nearly 73% of the third quarter complaints in this category. Wireline Telecommunications complaints decreased by nearly 1%, from 25,837 to 25,691, with TCPA-Other Issues, Do Not Call List and Unsolicited Faxes constituting the top categories of Wireline complaints which, when combined, constituted over 85% of the Wireline complaints in the reported subcategories during the third quarter.

The Commission receives many inquiries and complaints that do not involve violations of the Communications Act, or a rule, policy or order of the Commission. The existence of a complaint does not necessarily establish wrongdoing by the named company. The third quarter Report, as well as previous reports on informal consumer inquiries and complaints, can be viewed at: <http://www.fcc.gov/cgb/quarter/welcome.html>.

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REPORT OF INFORMAL CONSUMER INQUIRIES AND COMPLAINTS
Third Quarter, Calendar Year 2010
Executive Summary

This Report tracks the top subject areas of consumer inquiries and complaints received and processed during the third quarter of calendar year 2010 by the Consumer & Governmental Affairs Bureau (CGB).¹ A consumer inquiry is defined as correspondence or communications received by the Commission from or on behalf of an individual seeking information regarding a matter under the FCC's jurisdiction. An informal consumer complaint is defined as a communication received by a CGB Consumer Center, either via U.S. mail, fax, e-mail, the 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.

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The Commission receives many inquiries and complaints that do not involve violations of the Communications Act, or a rule, policy or order of the Commission. The existence of a complaint does not necessarily establish wrongdoing by the named company. The third quarter Report, as well as previous reports on informal consumer inquiries and complaints, can be viewed at: <http://www.fcc.gov/cgb/quarter/welcome.html>.

ⁱ The data reported reflects the complaints and inquiries recorded in CGB's automated tracking systems during the period from July 1 to September 30, 2010. The information generated for this Report is that entered into the tracking systems on or before those specific dates. In addition, the data referenced in 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 OF INFORMAL CONSUMER INQUIRIES AND COMPLAINTS
Third Quarter, Calendar Year 2010
Top Consumer Issues – Subject Category Reference Guide

CABLE & SATELLITE SERVICES

Billing & Rates: billing and rates charged for program service

Provider Marketing & Advertising: provider advertising and marketing practices, including alleged misrepresentations

Digital Television: digital TV service or the transition to digital TV

Over-The-Air Reception Devices (OTARD): installation, maintenance or use of antennas (including direct-to-home satellite dishes, TV antennas, and wireless cable antennas) used to receive video programming

Programming: program content or the choice of channels/programs available to subscribers

Satellite Home Viewer Improvement Act (SHVIA): SHVIA matters

Service: quality of service provided

RADIO & TELEVISION BROADCASTING

Station Marketing & Advertising: station advertising and marketing practices, including alleged misrepresentations

Digital Television: digital TV service or the transition to digital TV

Disability & Access: video description, closed captioning, and emergency access to video programming

Interference: reception of unwanted signals from nearby transmitters to home electronic equipment

Programming:

- Indecency/Obscenity: obscene, indecent or profane programming
- Other: miscellaneous programming issues (*e.g.*, contests and lotteries, freedom of speech, how to start a station, journalism, false information, lists of stations)
- General Criticisms: non-specific concerns regarding programming content

WIRELESS TELECOMMUNICATIONS

Billing & Rates:

- **Airtime Charges:** charges to subscribers for actual time spent using a wireless phone
- **Credit/Refunds/Adjustments:** credits, refunds, or bill adjustments
- **Line Items:** surcharges and taxes appearing on a wireless bill:
 - Access Charge: miscellaneous line item charges
 - E-911: provision of automatic location information and automatic number identification via a wireless phone used to contact a 911 call center
 - Taxes: taxes appearing on wireless bill
 - Universal Service: availability and affordability of phone service for low income consumers in geographic areas in which the cost of providing telephone service is high
- **Recurring Charges:** recurring monthly charges that appear on a subscriber's bill
- **Roaming Rates:** charges assessed to the subscriber for wireless calls made while roaming in another carrier's territory
- **Rounding:** practice of rounding calls to a full minute
- **Service Plan Rates:** terms and conditions of service:
 - Activation Fee: usually a one-time charge to initiate service
 - Off-Peak: specified period during which per-minute rate is lower
 - Optional Services: including caller-ID, voice mail, road-rescue
 - Peak: specified time during which 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 period required for subscriber to acquire service

Bill Shock: sudden unexpected increase in the monthly wireless bill, even when the subscriber has not changed service plans

Carrier Marketing & Advertising: carrier advertising and marketing practices, including alleged misrepresentations

Contract – Early Termination of Service: termination of a subscriber's service prior to end of specified contract term:

- By Subscriber: subscriber's liability for terminating service prior to end of specified contract term
- By Carrier: carrier's right to terminate a subscriber's service prior to end of specified contract term

Equipment (EQUI)

- Equipment Unauthorized Charges (EQUC)- subscriber charged for wireless phone without agreeing to purchasing phone
- Faulty Equipment (EFAU) - technical or malfunctioning equipment
- Stolen Equipment (ESTO) - misuse or reporting problems associated with stolen equipment

Interference: reception of unwanted signals from nearby transmitters to electronic equipment

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

Service: quality of service or the lack of signal 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: calls that do not go through because of overcrowding of the service frequencies
- Roaming Availability: availability of service outside of 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): compliance with TCPA wireless requirements

Tower: light outages, paint, posting, zoning and registration

WIRELINE TELECOMMUNICATIONS

Billing & Rates:

Credit/Refunds/Adjustments: account credits, refunds or adjustments

Line Items: charges and taxes appearing on a telephone bill:

- Access – Subscriber Line Charge: subscriber local-loop line charges for maintaining residential and business and telephone access to the network
- Access – Universal Service: FCC's universal service fund-affordable access to basic telephone service for low-income consumers and consumers in high-cost

areas, and provision of communications services to schools, libraries and health care facilities

- Interstate Directory Assistance: charges assessed for access to directory assistance information
- Taxes on Telephone Bill: local, state, or federal taxes appearing on a telephone bill
- Truth in Billing - No Service Provider ID: the name of the service provider and/or contact information for the service provider is not easily identifiable on the bill
- Truth in Billing - Bundled Charges: bill fails to contain plain language description and breakdown of charges for each carrier where multiple carriers appear on the bill
- Truth in Billing - No Payment Solution: bill fails to clearly distinguish charges for which nonpayment will result in disconnection from those that will not result in disconnection

Rates: rates and charges billed by telephone companies:

- Casual Call Billing: rates billed for calls placed from non-public phones through a carrier that is not the presubscribed carrier for the telephone (or does not recognize a telephone number as that of a subscriber)
- Double Billing: disputes concerning double billing for calls or services
- DSL Rate Problem: DSL promotional plan rates altered or unspecified to consumer
- International Internet Dial-up: international calls billed to subscriber 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.
- 809 International Billing: 809 area code collect call and consumer dialing scams
- 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 concerning interstate rates and charges

Recurring Charges: recurring charges that appear on a subscriber's bill

Cramming: unauthorized, misleading or deceptive charges appearing on a subscriber's bill

Service Quality: quality of service provided by carrier:

- DSL Service Inadequate: poor quality of service or service outages
- Interstate Telecommunications: poor call reception, service outages, 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 carriers including, but not limited to, additional services being added without the consumer's knowledge or approval

Slamming: practice of changing a subscriber's telecommunications service provider (or a calling plan) without the subscriber's consent

- 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 formats, such as sweepstakes

Telephone Consumer Protection Act (TCPA): 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: other aspects of TCPA (*e.g.*, prerecorded messages, abandoned calls & war dialing, business telephone complaints, emergency telephone complaints, call or message to wireless device, and/or call or message to toll free numbers)

Universal Service Issues: contribution methodology, general information, rural health care and calculation increases.

Summary of Top Consumer Inquiry Topics
Processed by the FCC's Consumer & Governmental Affairs Bureau
Third Quarter - Calendar Year 2010

	July	August	September	Quarter Totals
Cable & Satellite Services				
Programming	63	107	80	250
Service	91	100	79	270
Satellite Home Viewer Improvement Act	104	122	134	360
Over-the-Air Reception Devices	140	171	154	465
Billing & Rates	470	426	373	1,269
<i>Totals</i>	868	926	820	2,614

	July	August	September	Quarter Totals
Radio and Television Broadcasting				
Disability & Access	61	83	46	190
Station Marketing & Advertising	81	91	86	258
Digital Television	118	119	102	339
Interference	229	277	215	721
Programming	703	631	648	1,982
<i>Totals</i>	1,192	1,201	1,097	3,490

	July	August	September	Quarter Totals
Wireless Telecommunications				
Tower	69	74	63	206
Interference	98	101	147	346
Billing & Rates	197	215	223	635
License Information (General)	288	271	317	876
Service	406	429	384	1,219
<i>Totals</i>	1,058	1,090	1,134	3,282

	July	August	September	Quarter Totals
Wireline Telecommunications				
Slamming	140	138	123	401
Cramming	237	289	263	789
Access-Universal Service	252	320	368	940
Billing & Rates	369	371	333	1,073
Telephone Consumer Protection Act	1,650	1,756	1,787	5,193
<i>Totals</i>	2,648	2,874	2,874	8,396

Notes:

* A consumer inquiry is defined as any correspondence or communication received at a Consumer and Governmental Affairs Bureau Consumer Center via U.S. mail, fax, e-mail, the Internet or telephone from or on behalf of an individual seeking information regarding a matter under the FCC's jurisdiction.

**See attachment for a description of each subject category.

*** The data noted in this Report reflect statistics at the national level as reported to the Commission, and therefore are not necessarily indicative of corresponding state and local trends.

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

**Summary of Top Consumer Complaint Topics
Processed by the FCC's Consumer & Governmental Affairs Bureau
Third Quarter - Calendar Year 2010**

	July	August	September	Quarter Totals
Cable & Satellite Services				
Digital Television	18	20	15	53
Provider Marketing & Advertising	80	70	47	197
Service	128	157	127	412
Billing & Rates	178	144	137	459
Programming	190	146	124	460
<i>Totals</i>	594	537	450	1,581

	July	August	September	Quarter Totals
Radio and Television Broadcasting				
Interference	47	35	45	127
Digital Television	111	95	82	288
Programming - General Criticisms	114	79	95	288
Other Programming	411	268	271	950
Programming - Indecency/Obscenity	302	271	385	958
<i>Totals</i>	985	748	878	2,611

	July	August	September	Quarter Totals
Wireless Telecommunications				
Contract - Early Termination of Service	150	124	145	419
Equipment	182	144	179	505
Service	296	334	294	924
Billing & Rates	979	1,025	957	2,961
Telephone Consumer Protection Act	4,208	4,667	4,380	13,255
<i>Totals</i>	5,815	6,294	5,955	18,064

	July	August	September	Quarter Totals
Wireline Telecommunications				
Service Quality	278	333	312	923
Billing & Rates	965	1,034	866	2,865
Telephone Consumer Protection Act-Unsolicited Fax	1,489	1,878	1,774	5,141
Telephone Consumer Protection Act - Do Not Call List	2,473	2,718	2,568	7,759
Telephone Consumer Protection Act -Other	2,844	3,201	2,958	9,003
<i>Totals</i>	8,049	9,164	8,478	25,691

Notes:

* An informal consumer complaint is defined as any correspondence or communication received at a Consumer and Governmental Affairs Bureau (CGB) Consumer Center via U.S. mail, fax, e-mail, the 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) requests relief. The complaint figures in this Report reflect selected categories of complaints -- specifically, the top complaint categories listed above-- and are not inclusive of all complaints handled by the FCC.

** The number of broadcasting programming complaints assigned to each of the programming sub-categories is based upon 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 noted in this Report reflects complaints received by CGB, EB, and those e-mailed directly to the respective offices of the FCC Chairman and the Commissioners. The reported counts may include duplicate complaints or contacts that subsequently are determined insufficient to be actionable.

*** See attachment for a brief description of each subject category.

****The data noted in this Report reflect statistics at the national level as reported to the Commission, and therefore are not necessarily indicative of corresponding state or local trends.