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

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QUARTERLY REPORT OF CONSUMER INQUIRIES AND INFORMAL COMPLAINTS FOR THIRD QUARTER OF CALENDAR YEAR 2011 RELEASED

Washington, DC – The Commission has released its Report of the top subject areas of consumer inquiries and informal complaints received and processed by the Consumer & Governmental Affairs Bureau (CGB) during the third quarter of calendar year 2011.

2011 Third Quarter Inquiries. During the third quarter of 2011, the overall number of inquiries for the top four reported inquiry categories increased by more than 10% from the number received and processed by CGB during the previous quarter, from 13,023 during the second quarter, to 14,419, as described below. The number of Cable and Satellite Services inquiries increased by more than 15%, from 1,426 to 1,650, due to an increase in inquiries regarding Billing and Rates, Satellite Television Extension & Localism Act issues, and Programming issues. Inquiries regarding Billing and Rates issues constituted more than 36% of the inquiries in this category during the third quarter. The number of Radio and Television Broadcasting inquiries increased by nearly 5%, from 3,495 to 3,664, primarily due to an increase in inquiries concerning Programming issues. Wireless Telecommunications inquiries decreased by more than 4%, from 2,194 to 2,094, with a decrease in the number of inquiries regarding Billing and Rates and Service-related issues. Wireline Telecommunications inquiries increased by more than 18%, from 5,908 to 7,011, with Telephone Consumer Protection Act (TCPA) matters constituting more than 59% of the third quarter inquiries in this category.

2011 Third Quarter Informal Complaints. During the third quarter of 2011, the overall number of informal complaints in the top five reported categories increased by 10% from those received and processed during the second quarter, from 59,080 to 66,847. Bundled and VoIP Service-related complaints, of which there were 1,661, are reported for the first time this quarter due to revisions to complaint coding process. (Note that such complaints were previously categorized under Wireless, Wireline, Cable, or Satellite services categories, as appropriate.) Cable & Satellite Services complaints increased by more than 19%, from 1,389 to 1,663. The number of Radio and Television Broadcasting complaints decreased by more than 3%, from 2,164 to 2,083. Wireless Telecommunications complaints increased by more than 12%, from 26,149 to 29,390, with Call or Message to Wireless Device-related complaints comprising the bulk of the complaints in this category. Wireline Telecommunications complaints increased by nearly 9%, from 29,378 to 32,050, with TCPA-Other Issues, Do Not Call List and Unsolicited Faxes constituting the top categories of such complaints. These subcategories, combined, constituted over 88% of the Wireline complaints in the reported subcategories during the third quarter.

The Commission receives many inquiries and informal 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 consumer inquiries and informal complaints, can be viewed at: <http://www.fcc.gov/cgb/quarter/welcome.html>.

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REPORT OF CONSUMER INQUIRIES AND INFORMAL COMPLAINTS
Third Quarter, Calendar Year 2011
Executive Summary

This Report tracks the top subject areas of consumer inquiries and informal complaints received and processed during the third quarter of calendar year 2011 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.

2011 Third Quarter Inquiries. During the third quarter of 2011, the overall number of inquiries for the top four reported inquiry categories increased by more than 10% from the number received and processed by CGB during the previous quarter, from 13,023 during the second quarter, to 14,419, as described below. The number of Cable and Satellite Services inquiries increased by more than 15%, from 1,426 to 1,650, due to an increase in inquiries regarding Billing and Rates, Satellite Television Extension & Localism Act issues, and Programming issues. Inquiries regarding Billing and Rates issues constituted more than 36% of the inquiries in this category during the third quarter. The number of Radio and Television Broadcasting inquiries increased by nearly 5%, from 3,495 to 3,664, primarily due to a increase in inquiries concerning Broadcast Programming issues. Wireless Telecommunications inquiries decreased by more than 4%, from 2,194 to 2,094, with a decrease in the number of inquiries regarding Billing and Rates and Service-related issues. Wireline Telecommunications inquiries increased by more than 18%, from 5,908 to 7,011, with Telephone Consumer Protection Act (TCPA) matters constituting more than 59% of the third quarter inquiries in this category.

2011 Third Quarter Informal Complaints. During the third quarter of 2011, the overall number of informal complaints in the top five reported categories increased by 10% from those received and processed during the second quarter, from 59,080 to 66,847. Bundled and VoIP service related complaints, of which there were 1,661, are reported for the first time this quarter due to revisions to complaint coding process. (Such complaints were previously categorized under Wireless, Wireline, Cable, or Satellite services categories, as appropriate.) Cable & Satellite Services complaints increased by more than 19%, from 1,389 to 1,663. The number of Radio and Television Broadcasting complaints decreased by more than 3%, from 2,164 to 2,083. Wireless Telecommunications complaints increased by more than 12%, from 26,149 to 29,390, with Call or Message to Wireless Device-related complaints comprising the bulk of the complaints in this category. Wireline Telecommunications complaints increased by nearly 9%, from 29,378 to 32,050, with TCPA-Other Issues, Do Not Call List and Unsolicited Faxes constituting the top categories of such complaints. These subcategories, combined, constituted over 88% of the Wireline complaints in the reported subcategories during the third quarter.

The Commission receives many inquiries and informal 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 consumer inquiries and informal complaints, can be viewed at: <http://www.fcc.gov/cgb/quarter/welcome.html>.

ⁱ The data reported reflects the informal complaints and inquiries recorded in CGB's automated tracking systems during the period from July 1 to September 30, 2011. 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 CONSUMER INQUIRIES AND INFORMAL COMPLAINTS
Third Quarter, Calendar Year 2011
Top Consumer Issues – Subject Category Reference Guide

BUNDLED & VoIP SERVICES

Billing & Rates: billing and rates charged for bundled or VoIP services

Broadband Services: high-speed broadband access that is always on and faster than traditional dial-up access. Broadband can be provided over different platforms: Digital Subscriber Line (DSL); Cable Modem; Fiber-Optic Cable (Fiber); Wireless; Satellite; and Broadband over Power Line (BPL)

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

Number Portability: Ability to port a telephone number from one service provider to another

Service: quality of service provided

CABLE & SATELLITE SERVICES

Billing & Rates: billing and rates charged for program service

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

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

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

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

Satellite Television Extension & Localism Act (STELA): The Satellite Home Viewer Improvement Act of 1999 (SHVIA) and Satellite Home Viewer Extension and Reauthorization Act of 2004 (SHVERA) and was further updated under the Satellite Television Extension & Localism Act of 2010

Service: quality of service provided

RADIO & TELEVISION BROADCASTING

Digital Television: digital TV service or the transition from analog 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

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

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 Charges: 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 Fund: 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

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

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

Recurring Charges: recurring charges that appear 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 slammed: 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 Fund Issues: 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
Third Quarter - Calendar Year 2011**

	July	August	September	Quarter Totals
Cable & Satellite Services				
Programming	29	73	58	160
Service Related	43	68	58	169
Satellite Television Extension & Localism Act	56	91	100	247
Over-the-Air Reception Device	125	181	174	480
Billing & Rates	193	201	200	594
<i>Totals</i>	446	614	590	1,650

	July	August	September	Quarter Totals
Radio and Television Broadcasting				
Disability	46	67	57	170
Station Marketing & Advertising	58	60	61	179
Interference	154	163	182	499
Digital Television	345	405	367	1,117
Broadcast Programming	400	473	826	1,699
<i>Totals</i>	1,003	1,168	1,493	3,664

	July	August	September	Quarter Totals
Wireless Telecommunications				
Tower Related	41	60	62	163
Billing & Rates	90	101	53	244
Interference	93	106	112	311
License Information (General)	210	232	225	667
Service Related	219	259	231	709
<i>Totals</i>	653	758	683	2,094

	July	August	September	Quarter Totals
Wireline Telecommunications				
Number Portability	125	143	155	423
Cramming	179	139	140	458
Billing & Rates	337	423	248	1,008
Universal Service Fund	286	484	358	1,128
Telephone Consumer Protection Act	1,163	1,364	1,467	3,994
<i>Totals</i>	2,090	2,553	2,368	7,011

Notes:

* A consumer inquiry is defined as any correspondence or communication received at Consumer and Governmental Affairs Bureau (CGB) Consumer Center from individuals seeking information on matters under the FCC's jurisdiction.

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

*** 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 subcategories listed in this Report only and are not inclusive of all inquiries for all categories handled by the FCC.

**Summary of Top Consumer Informal Complaint Subjects
Processed by the FCC's Consumer & Governmental Affairs Bureau
Third Quarter - Calendar Year 2011**

	July	August	September	Quarter Totals
Bundled & VoIP Services				
Number Portability	31	46	43	120
Carrier Marketing & Advertising	29	56	37	122
Broadband Related	11	54	58	123
Billing & Rates	84	255	225	564
Service Related	149	307	276	732
<i>Totals</i>	304	718	639	1,661

	July	August	September	Quarter Totals
Cable & Satellite Services				
Provider Marketing & Advertising	44	40	30	114
Disability & Access	49	59	39	147
Billing & Rates	182	115	140	437
Service Related	146	241	188	575
Programming	133	168	89	390
<i>Totals</i>	554	623	486	1,663

	July	August	September	Quarter Totals
Radio and Television Broadcasting				
Station Marketing & Advertising	20	19	18	57
Interference	56	54	54	164
Programming - General Criticism	74	191	178	443
Programming - Indecency/Obscenity**	139	97	302	538
Other Programming	331	258	292	881
<i>Totals</i>	620	619	844	2,083

	July	August	September	Quarter Totals
Wireless Telecommunications				
Equipment Related	198	193	200	591
Contract - Early Termination	167	177	215	559
Service Related	560	962	772	2,294
Billing & Rates	1,051	848	811	2,710
Telephone Consumer Protection Act	6,695	8,179	8,362	23,236
<i>Totals</i>	8,671	10,359	10,360	29,390

	July	August	September	Quarter Totals
Wireline Telecommunications				
Service Quality	367	556	606	1,529
Billing & Rates	852	653	500	2,005
Telephone Consumer Protection Act-Unsolicited Fax	1,330	1,411	1,481	4,222
Telephone Consumer Protection Act -Other	3,709	4,113	4,222	12,044
Telephone Consumer Protection Act - Do Not Call List	3,846	4,117	4,287	12,250
<i>Totals</i>	10,104	10,850	11,096	32,050

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 broadcast programming complaints assigned to each of the programming subcategories is based upon initial processing. The distribution of programming complaints among the subcategories 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.

*****The complaint figures in this Report represent volume only for the categories and subcategories listed and are not inclusive of all complaints for all categories handled by the FCC.

*****Commencing this quarter, bundled and VoIP-related complaints were added to this Report due to revisions to the complaint coding process. Such complaints were previously categorized within the wireless, wireline, cable, and/or satellite categories, as appropriate.