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RULES AND ADMINISTRATION

United States Senate

WASHINGTON, DC 20510

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February 10, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Mrs. Meredith Attwell Baker
President & CEO
CTIA-The Wireless Association
1400 16th Street NW, Suite 600
Washington, DC 20036

Dear Chairman Wheeler and President Baker:

Consumers deserve to have the choice to change carriers and take their devices with them. Unfortunately, for too long consumers were faced with hurdles if they wanted to unlock their mobile phones from one network and move to a new carrier with their device. Additionally, consumers found that their carriers' unlocking policies lacked transparency, consistency, and clarity.

That is why I introduced the Wireless Consumer Choice Act in 2013 which required the Federal Communications Commission (FCC) to issue rules regarding unlocking for mobile devices. Following the introduction of this bill and increased pressure from consumers, the FCC and CTIA – The Wireless Association came to a voluntary agreement to preserve consumer choice and consumers' ability to unlock their devices. I was pleased that the industry heard the call for change from Congress and consumers and took action.

The voluntary commitment set a clear timeline stating that all six unlocking standards agreed on would be implemented by February 11, 2015. The six standards included in the Consumer Code for Wireless Service are:

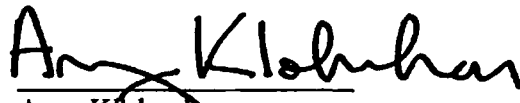
1. **Disclosure.** Each carrier will post on its website its clear, concise, and readily accessible policy on postpaid and prepaid mobile wireless device unlocking.
2. **Postpaid Unlocking Policy.** Carriers upon request, will unlock mobile wireless devices or provide the necessary information to unlock their devices for their customers and former customers in good standing and individual owners of eligible devices after the fulfillment of the applicable postpaid service contract, device financing plan, or payment of applicable early termination fee.
3. **Prepaid Unlocking Policy.** Carriers, upon request will unlock prepaid mobile wireless devices no later than one year after initial activation, consistent with reasonable time, payment or usage requirements.
4. **Notice.** Carriers that lock devices will clearly notify customers that their devices are eligible for unlocking at the time when their devices are eligible for unlocking or automatically unlock devices remotely when devices are eligible for unlocking, without additional fee. Carriers reserve the right to charge non-customers/nonformer-customers with a reasonable fee for unlocking request. Notice to prepaid customers may occur at

- point of sale, at the time of eligibility, or through a clear and concise statement of policy on the carrier's website.
5. **Response Time.** Within two business days after receiving a request, carriers will unlock eligible mobile wireless devices or initiate a request to the OEM to unlock the eligible device, or provide an explanation of why the device does not qualify for unlocking, or why the carrier reasonably needs additional time to process the request.
 6. **Deployed Personnel Unlocking Policy.** Carriers will unlock mobile wireless devices for deployed military personnel who are customers in good standing upon provision of deployment papers.

With the deadline for implementation of the voluntary agreement this week, I respectfully request, at your earliest convenience, updates on the implementation and success of this voluntary standard designed to give consumers choice and increase competition among carriers. Specifically, I would like to know where each of the six principals stand in terms of implementation, if the FCC or wireless carriers continue to receive complaints from consumers regarding unlocking policies even after the agreement, and if this voluntary policy has met the goals of increasing consumer choice and promoting competition.

Thank you for your continued attention to this issue. I look forward to your responses and to continuing to work with you to protect mobile consumers.

Sincerely,



Amy Klobuchar
United States Senator