



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 4, 2019

The Honorable Mike Doyle
Chairman
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2322A Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Doyle:

I write in response to your letter regarding the Commission's informal complaint process. Consumer protection has been and remains a critical priority for the Commission. The Commission's informal complaint process, which facilitates a dialogue between a consumer and his or her provider, is an essential component of the Commission's mission to protect consumers.

In July 2018, the Commission decided to clarify aspects of our complaint process—a decision that put on paper FCC procedures that for many years had been undocumented (and thus were not transparent to Congress and consumers). This decision originated in a September 2017 Notice of Proposed Rulemaking, which contained a proposed change to section 1.717 of the informal complaint rules.¹ The vote on that Notice of Proposed Rulemaking was unanimous; every single then-member of the Commission voted for it in full. And as the Chief of the FCC's Enforcement Bureau made clear to Commissioners at the July 2018 open meeting, not a single commenter during the entire pendency of the Notice of Proposed Rulemaking objected to or expressed any concern whatsoever about proposed changes to the text of the informal complaint rule. She also made clear that, again, the proposed changes would not have any impact on the Commission's role in assisting consumers with informal complaints, but merely clarified existing practice which had been in place since 1986 (namely, that the informal complaint process facilitates a dialogue between the consumer and his or her provider, but does not result in a formal Commission ruling). She explained that the proposed change would in no way impede the Commission's ability to take enforcement actions on the basis of informal complaints. And

¹ I note that the only modification to the pre-existing informal complaint process as a result of the recent clarification in section 1.717 is that the Consumer and Governmental Affairs Bureau now *always* provides information about the formal complaint process to all consumers who are dissatisfied at the conclusion of the informal complaint process, or where the provider failed to respond. Before the rule change, the Consumer and Governmental Affairs Bureau provided information regarding the formal complaint process only in situations where it seemed most appropriate. The Commission's formal complaint process is a longstanding option that provides consumers with an additional vehicle to raise their issue at the agency. This process is conducted more like a traditional legal proceeding. While the formal complaint process may not be suitable for all issues, providing the consumer with this information at the conclusion of the informal complaint process allows the consumer to better assess the options going forward.

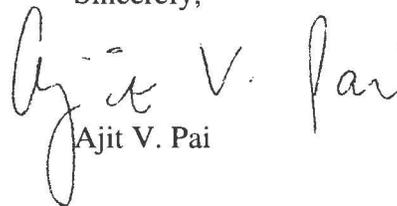
she expressed the view that media reports suggesting that Americans would have to pay a \$225 fee to file a complaint with the FCC were false.

You ask whether the Consumer and Governmental Affairs Bureau and the Office of General Counsel were consulted during the process that led to adoption of these clarifying amendments. The answer is yes. The Enforcement Bureau, which handles certain categories of informal complaints governed by rule 1.717, in conjunction with the Consumer and Governmental Affairs Bureau, proposed the changes based on its experience and brought to the agency's attention the fact that the text of the rule had been confusing for some complainants. The Enforcement Bureau coordinated with the Consumer and Governmental Affairs Bureau about the proposed changes to the rule prior to adoption of the clarification, and (as is the case with every Commission item considered at our open meetings) with the Office of General Counsel. The Consumer and Governmental Affairs Bureau concluded that the changes did not impact its role in assisting consumers with informal complaints, and the Office of General Counsel concluded that the changes did not alter the Commission's authority to investigate and address the concerns raised in informal complaints.

Since the Commission's fiscal year 2015 revision of its consumer complaint system, the Consumer and Governmental Affairs Bureau has reported no systemic backlog in consumer complaints. In the current fiscal year, there are 36 workers (18 employees and 18 contractors) involved in assisting consumers with informal complaints. In fiscal year 2018, there were 35 workers (17 employees and 18 contractors) involved in assisting consumers with informal complaints. In fiscal year 2017, there were 32 workers (25 employees and 7 contractors) involved in assisting consumers with informal complaints. In fiscal year 2016, there were 37 workers (30 employees and 7 contractors) involved in assisting consumers with informal complaints. In fiscal year 2015, there were 48 workers (34 employees and 14 contractors) involved in assisting consumers with informal complaints.

The Commission remains committed to maintaining the informal complaint process as an integral part of the agency's mission to protect consumers. Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai



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Chairman
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2322A Rayburn House Office Building
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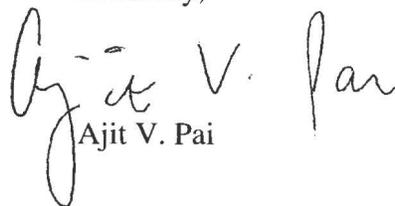
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