

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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October 12, 2018

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The Honorable Ajit V. Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai:

We write to seek more information about the Federal Communication Commission's (FCC) decision to amend your informal complaint rule.¹ While we understand your commitment that the FCC practices for managing informal complaints will not change, we remain very concerned by the potential implications of the revisions. As you are aware, deleting words and phrases in the rule must have a meaning, and in this instance, we need to better understand the effect of these changes. Consumer protection and assisting consumers wronged by communications companies is a fundamental imperative that must remain a high priority for the Commission.

In voting in favor of these rule amendments, you repeatedly cited the opinion of career FCC staff that the changes "would not have any impact on how the Commission deals with informal complaints."² The opinion of career staff is helpful, but given the serious questions raised by the amendments, the public deserves greater assurances of your commitment to stand with them to get the help they need and deserve. Therefore, we ask for responses to the following questions:

1. Though you rely on the opinion of career Enforcement Bureau staff in asserting that the revisions to the rules will not change how the Commission deals with informal complaints, it is the FCC's Consumer and Governmental Affairs Bureau (CGB) that

¹ Federal Communications Commission, *Amendment of Procedural Rules Governing Formal Complaint Proceedings Delegated to the Enforcement Bureau*, Report and Order, EB Docket 17-245, FCC 18-96 (Formal Complaint R&O).

² See Formal Complaint R&O, Statement of Chairman Ajit Pai.

handles these complaints.³ Were the changes to 47 C.F.R. § 1.717 adopted in the Formal Complaint R&O proposed by CGB? Did CGB render an opinion on the effect of the change at any time before the changes were proposed or after the changes were adopted? If so, was that analysis fully consistent with the apparent opinion of the career Enforcement Bureau staff? Please provide copies of all analysis by CGB regarding the impact of the revisions to 47 C.F.R. § 1.717 as adopted in the Formal Complaint R&O.

2. Did the Office of General Counsel (OGC) provide an opinion or analysis on the impact of the revisions to 47 C.F.R. § 1.717 at any time before the revisions were proposed or after the revisions were adopted? If so, was that opinion or analysis fully consistent with the apparent opinion of the career Enforcement Bureau staff? Please provide copies of all analysis by OGC regarding the impact of the revisions to 47 C.F.R. § 1.717 as adopted in the Formal Complaint R&O.
3. Have any policies or procedures governing the intake or management of informal consumer complaints changed as a result of the adoption of the Formal Complaints R&O and its revisions to 47 C.F.R. § 1.717? If no changes have yet been made, are any changes in the process of being made? Please provide copies of all policies and procedures implementing 47 C.F.R. § 1.717 that were in effect on January 1, 2015; January 1, 2016; January 1, 2017; and January 1, 2018, and copies of all policies and procedures governing the intake or management of informal consumer complaints that have been changed or will be changed as a result of the adoption of the Formal Complaints R&O and its revisions to 47 C.F.R. § 1.717.
4. Following the adoption of the Formal Complaints R&O, were any changes made to the written or oral materials used to train the FCC's employees, agents, or contractors who handle informal consumer complaints? Please provide copies of all such materials that were used as of January 1, 2015; January 1, 2016; January 1, 2017 and January 1, 2018, and copies of all such materials regarding the handling of informal complaints that have been changed or will be changed as a result of the adoption of the Formal Complaint R&O and its revisions to 47 C.F.R. § 1.717.
5. For 2018, and for each of the preceding five years, provide separately the number of (a) FCC employees, (b) FCC agents, and (c) FCC contractors, responsible for handling informal consumer complaints.

³ See FCC Consumer Guide, Filing an Informal Complaint (<https://www.fcc.gov/consumers/guides/filing-informal-complaint>).

We appreciate your attention to this important matter. Please provide responses to each of these questions and document requests by November 2, 2018. If you have any questions regarding this matter, please contact Gerald Leverich of the Democratic Committee staff at (202) 225-3641.

Sincerely,



Frank Pallone, Jr.
Ranking Member



Mike Doyle
Ranking Member
Subcommittee on Communications
and Technology