

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY
APPROVING IN PART AND DISSENTING IN PART**

Re: *Gregory Manasher et al. Petition for Declaratory Ruling*, CG Docket No. 98-170.

When the Commission approved the 1999 Truth-in-Billing Order, it repeatedly emphasized that it chose to “adopt broad, binding principles to promote truth-in-billing, rather than mandate detailed rules that would rigidly govern the details or format of carrier billing practices” because the agency wanted to “allow carriers considerable discretion to satisfy their obligations.”¹ Indeed, the Commission “envisio[n]ed that carriers may satisfy these obligations in widely divergent manners that best fit their own specific needs and those of their customers.”² These often serve as ways providers use to differentiate themselves from their competitors.

While protecting consumers from unscrupulous providers seeking to permeate confusion or downright deception remains a key obligation of the Commission, I am concerned that the Declaratory Ruling, issued on the basis of a 2006 court challenge and a record that concluded in 2012, could now be read to limit the scope of intentional truth-in-billing discretion. As the item acknowledges, commenters emphasized the need to retain carrier discretion and noted that charges that might appear to lack context on the face of the bill may actually be clear when read in conjunction with the other materials, including the contract or other information provided apart from the bill itself. Therefore, I disagree with the portions of this item that suggest that clarifying information must be contained on the bill itself. These same commenters also expressed concerns, which I see some merit in, about broadly answering questions about billing practices that are, by their very nature, fact-specific.

I am also troubled that we take this action, which understandably only applies to traditional common carrier voice providers, against the backdrop of a flourishing voice market. If consumers are unhappy with the level of detail contained on their traditional voice telephone bills, the market has responded by providing a number of other options to choose from, many of which offer advanced technological capabilities. In the presence of this reality this item should strike a more careful balance. Instead, its effort to explicitly or implicitly constrain billing practices could make compliance more burdensome for providers of legacy services or confuse consumers with more billing detail than helpful.

¹ *Truth-in-Billing and Billing Format*, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 98-170, 14 FCC Rcd 7492, paras. 6, 9 (1999).

² *Id.* at para. 9.