



April 5, 2006

Mary Beth Richards
Deputy Bureau Chief/Chief of Staff
Consumer & Government Affairs Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Half-Day Informal Dialogue Session between NASUCA and CGB
April 26, 2006

Dear Mary Beth:

NASUCA members are very much looking forward to participating with the CGB in the informal half-day dialogue session scheduled for the morning of April 26, 2006. Following up on our meeting with you several weeks ago, NASUCA members have discussed various formats that would lend themselves to a mutually effective and productive use of the half-day dialogue.

For example, NASUCA surveyed members in order to gather information regarding state regulators' practices for recording and handling consumers' telecommunications-related complaints that might be considered in a "Best Practices" or "Model Procedures" format. This topic could be the subject of dialogue for perhaps as much as a third of the half-day dialogue session. NASUCA anticipates providing you with a copy of the product of that survey at least ten days before the April 26, 2006 session so that your office can consider which practices are already reflected in the CGB consumer complaint policies and which practices CGB might want to consider adopting for its own use.

NASUCA also thought it might be mutually beneficial if members better understood, in advance of the dialogue, the CGB's procedures for handling and recording consumers' telecommunications-related complaints and inquiries, and the policy rationales underlying those procedures. NASUCA believes it could prove extremely time-consuming and unproductive to

use time during the dialogue session to repeatedly correct misunderstandings about the CGB's policies and practices. In order to better educate NASUCA's members, the association has put together (attached hereto) a list of questions regarding the CGB's practices and policies regarding the handling of consumer complaints and inquiries. Patrick Pearlman is overseeing this part of NASUCA's preparation for this portion of the session so please consider him NASUCA's contact for that purpose.¹ NASUCA hopes that the CGB can provide answers to these questions by April 16, 2006. That will give NASUCA sufficient time to include that information in the background preparation materials being distributed to members participating in the dialogue session.

NASUCA anticipates that perhaps a second third of the session would include follow up questions and discussion regarding various issues related to specific questions and the CGB's responses.

Finally, NASUCA thought there might be merit in keeping the remaining third of the session unstructured for now. Then at the end of the first two-thirds of the session, CGB and NASUCA could determine how that remaining time could best be used to expand on those issues that have stimulated particular interest and appear to warrant more discussion. However, there are two issues NASUCA would like to discuss with the CGB before or during that last third of the dialogue session.. First, NASUCA would like to gain a better understanding of the CGB's methodology in calculating annual consumer savings reported by the bureau. Second, NASUCA would like to have some time devoted to a dialogue about the ways in which the CGB and NASUCA members could more frequently interact, as well as other outreach options in which NASUCA might assist the CGB in advancing our mutual goal of consumer protection.

Sincerely yours,

Charles A. Acquard

Cc: Bureau Chief Monica Desai

¹ Here is Mr. Pearlman's contact information:

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NASUCA Questions for CGB Re: Telecommunications Complaints/Inquiries Intake and Reporting.

I. General Policies and Procedures.

A. Informal Mediation and Resolution.

According to the CGB's website, the Consumer Inquiries and Complaints Division of the CGB is described as, among other things, providing "informal mediation and resolution of individual informal consumer inquiries and complaints consistent with controlling laws and FCC regulations, and in accordance with the Bureau's delegated authority." *See* http://ftp.fcc.gov/cgb/cgb_offices.html#CGB

1. The CGB's quarterly reports on informal consumer complaints and inquiries do not provide any information regarding informal mediation and resolution of individual informal consumer inquiries and complaints.

a. Does the CGB record the number of informal consumer complaints for which it provides informal mediation and resolution?

b. If the answer is "yes," please describe how such records are maintained.

c. Does the CGB record the number of informal consumer inquiries for which it provides informal mediation and resolution?

d. If the answer is "yes," please describe how such records are maintained.

2. What policies and procedures does the CGB apply in determining whether to provide informal mediation in order to resolve an informal consumer complaint or inquiry?

B. FCC/State Jurisdictional Issues.

3. How does the CGB record and handle complaints that involve telecommunications services that are subject to state jurisdiction (such as local exchange service or purely intrastate, interexchange service)?

a. Does the CGB include such complaints in its quarterly reports and if so, how?

b. Does the CGB refer such complaints to the relevant state authority or does it attempt to resolve the complaint itself?

c. What standards or policies govern the CGB's determination whether to refer or resolve an informal complaint?

d. If the CGB attempts to resolve an informal complaint, does the CGB provide information to the relevant state authority regarding the complaint, such as its receipt, the

identity of the parties and the nature of the dispute, CGB efforts to resolve the complaint, the carrier's response, or the ultimate resolution of the complaint?

4. How does the CGB handle inquiries that involve telecommunications service that are subject to state jurisdiction?

a. Does the CGB include such inquiries in its quarterly report and if so, how?

b. Does the CGB refer such inquiries to the relevant state authority or does it attempt to answer the inquiry itself?

c. What standards or policies govern the CGB's determination whether to refer or answer the inquiry?

d. Does the CGB provide information to the relevant state authority regarding the inquiry, such as its receipt, the identity of the parties and the nature of the inquiry, or CGB efforts to answer the inquiry?

C. Records Retention and Management.

5. In what manner and for how long does the CGB retain records regarding consumer complaints?

6. In what manner and for how long does the CGB retain records regarding consumer inquiries?

II. Informal Consumer Complaints and Inquiries.

A. Recording and Handling of Informal Complaints.

According to the FCC's CGB quarterly reports, the CGB defines a complaint as a communication received at CGB's consumer center either via letter, fax, email 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.

7. Does the CGB record complaints from non-individuals (partnerships, corporations, etc.) and, if so, how does it treat and record such complaints?

8. Does the CGB record complaints referred to it by carriers or service providers and, if so, how does it treat and record such complaints?

9. Does the CGB require carriers or service providers to provide it with information regarding complaints received by the carrier or service provider during a calendar year or portion thereof?

a. If the answer is “yes,” describe how often such information is required to be provided, and how that information is analyzed, reported or otherwise utilized by the CGB?

10. If an individual contacts the CGB and alleges some, but not all, of the 3 elements of a complaint (*e.g.*, identifies an entity under the FCC’s jurisdiction and alleges harm, but does not specifically ask for relief), does the CGB record the contact as a complaint?

a. If the answer is “no,” describe how the contact is recorded, reported, or otherwise acted upon.

11. Does the CGB record complaints referred to it by relevant state authorities and, if so, how does it treat and record such complaints? In other words, if a state AG forwards a complaint that meets (i)-(iii) described above to the CGB, is it treated as a complaint?

a. If the answer is “no,” describe how the contact is recorded, reported, or otherwise acted upon.

12. How does the CGB record or act upon complaints that meet (i)-(iii) described above submitted to it by other agencies or bureaus within the FCC? For example, if the Wireless Telecommunications Bureau forwards such a complaint to the CGB, is it treated as a complaint?

a. If the answer is “no,” describe how the contact is recorded, reported, or otherwise acted upon.

13. How does the CGB record or act upon complaints that meet (i)-(iii) described above submitted to it by other federal agencies? For example, if the Federal Trade Commission forwards such a complaint to the CGB, is it treated as a complaint?

a. If the answer is “no,” describe how the contact is recorded, reported, or otherwise acted upon.

14. Does the CGB attempt to resolve all, some or none of the informal complaints that it receives through informal mediation or other action on behalf of the complainant?

a. If the answer is some, describe the policies or procedures that determine which informal complaints are subject to informal mediation or other action on behalf of the complainant.

b. If the answer is none, describe what actions the CGB takes with regard to such informal complaints (*e.g.*, forwarding complaints that it receives to the carrier or service provider involved for resolution)?

15. If the CGB attempts to resolve informal complaints that it receives, does it record the outcome of those efforts?

a. If the answer is “yes,” please describe how the outcome of such efforts is recorded.

16. If the CGB does not attempt to resolve an informal complaint but rather forwards such complaint to the carrier or service provider, does it require or collect any information regarding the carrier’s or provider’s resolution, if any, of such complaint?

a. If the answer is “no,” has the CGB ever informally sought to obtain an understanding of how effective the process of forwarding complaints to carriers or service providers has been in resolving consumer complaints?

b. If the answer to a. is “yes,” please describe the CGB’s efforts and any understanding obtained regarding the effectiveness of forwarding complaints to carriers or service providers.

17. The CGB identifies several categories of complaints related to particular technologies (wireline, wireless, cable & satellite). Do the complaint totals identified in the CGB’s quarterly reports for each technology represent all complaints received by the CGB for that technology during the reporting period, or just the total complaints assignable to a particular category of issues? For example, the 1Q2005 quarterly report indicated that a total of 7,330 complaints were received by the CGB associated with 5 categories of wireless issues.

a. Does this mean 7,330 complaints involved these issues but an undisclosed number of complaints related to *other* wireless issues not identified in the report?

b. Does this mean that a total of 7,330 complaints related to wireless service were received during this quarter and these complaints were allocated among the 5 categories as shown in the report, and an unidentified number of complaints were received allocated to categories other than the 5 identified in the report?

18. If the CGB’s quarterly reports record only those complaints allocable to the categories associated with the particular service, rather than total complaints associated with a particular service, does the CGB maintain any record of those complaints not so allocated?

a. If the answer is “yes,” please describe how records of such complaints are maintained.

19. Does the CGB track total complaints received by carrier or service provider?

a. If so, does the CGB track complaints in the aggregate (*i.e.*, undifferentiated by category of issue) or does it track complaints by specific category of complaint?

20. How does the CGB record complaints that involve multiple carriers or service providers? For example, if a consumer contacts the CGB to allege slamming and complains about the action of both the carrier submitting the unauthorized change in service or carrier and the carrier implementing the unauthorized change, how does the CGB record such a complaint?

a. Does the CGB allocate the complaint to one carrier and record it accordingly? If so, how is the decision made as to which carrier the complaint will be allocated?

b. Does the CGB record two complaints?

21. How does the CGB record complaints that involve multiple service types offered by one carrier or service providers? For example, if a consumer subscribes to a carrier's service package that includes wireline and wireless service, and complains about aspects of each service (for example, wireline rates and wireless service quality), how does the CGB record such a complaint?

a. Does the CGB record two complaints, allocating one complaint to the carrier under wireless service and one complaint to the carrier under wireline service?

b. Does the CGB record only one complaint against the carrier, assigning the complaint to one or the other service category?

B. Recording and Handling of Informal Inquiries.

Per the FCC's quarterly reports, an inquiry is defined as a correspondence received at CGB's consumer center either via letter, fax, email or telephone from individuals seeking information on matters under the FCC's jurisdiction.

22. Given the above definition of "inquiry," is it fair to conclude that any contact with the CGB that is not a "complaint" constitutes an "inquiry"?

23. Does the CGB record inquiries from non-individuals (partnerships, corporations, etc.) and, if so, how does it treat and record such inquiries?

24. Does the CGB record inquiries referred to it by carriers or service providers and, if so, how does it treat and record such inquiries?

25. Does the CGB require carriers or service providers to provide it with information regarding the inquiries received by the carrier or service provider during a calendar quarter? If so, how is that data analyzed or in some other way used by the CGB in performing its work, fulfilling its mission?

26. Does the CGB require carriers or service providers to provide it with information regarding the inquiries received by the carrier or service provider during a calendar year?

27. Does the CGB record inquiries referred to it by relevant state authorities and, if so, how does it treat and record such inquiries?

28. Does the CGB record or act upon inquiries submitted to it by other agencies or bureaus within the FCC?

29. Does the CGB record or act upon inquiries submitted to it by other federal agencies?
30. If a consumer's "inquiry" is later determined by the CGB to constitute a complaint, how does the CGB record the consumer's contact? As a complaint, an inquiry or both?
31. Does the CGB track total inquiries received by carrier or service provider?
- a. If so, does the CGB track inquiries in the aggregate (*i.e.*, undifferentiated by category of issue) or does it track inquiries by specific category of inquiry?
32. How does the CGB record inquiries that involve one or more carriers or service providers? For example, if a consumer contacts the CGB to inquire about billing for services provided by two different telecommunications carriers (*e.g.*, long distance wireline charges associated with a presubscribed carrier and additional long distance wireline charges associated with another carrier), how does the CGB record such an inquiry?
- a. Does the CGB allocate the inquiry to one carrier and record it accordingly? If so, how is the decision made as to which carrier that allocation is made?
- b. Does the CGB record two inquiries?
33. How does the CGB record inquiries that involve one or more service types offered by one carrier or service provider? For example, if a consumer subscribes to a carrier's service package that includes wireline and wireless service, and inquires about aspects of each service (for example, wireline rates and wireless service quality), how does the CGB record such an inquiry?
- a. Does the CGB record two inquiries, allocating one inquiry to the carrier under wireless service and one inquiry to the carrier under wireline service?
- b. Does the CGB record only one inquiry involving the carrier, assigning the inquiry to one or the other service category?
34. The CGB identifies several categories of inquiries related to particular technologies (wireline, wireless, cable & satellite). Do the inquiry totals identified in the CGB's quarterly reports for each technology represent all inquiries received by the CGB for that technology during the reporting period, or just the total inquiries assignable to a particular category of issues? For example, the 1Q2005 quarterly report indicated that a total of 10,774 inquiries were received by the CGB associated with the 5 categories of wireless issues. Does this mean 10,774 inquiries involved these issues and an undisclosed number of inquiries related to other wireless issues, or does it mean that 10,774 inquiries related to wireless service were received during this quarter and these inquiries were allocated among the 5 categories as shown in the report?
- a. If additional wireless inquiries in excess of the number allocated to the 5 categories shown in the report were received, does the CGB maintain any record of those inquiries?

b. If additional wireless inquiries in excess of the number allocated to the 5 categories shown in the report were received, does the CGB allocate them to additional categories not reflected in the quarterly report?

III. Organization of, and Information Contained in, Quarterly Reports.

35. The complaint and inquiry subjects identified on the CGB report appear to have remained fixed over time. For example, slamming has been among the top wireline complaint subjects since the 1Q2002 report, when 767 slamming complaints were recorded for the quarter, through the 4Q2005 report when 366 complaints were recorded for the quarter. During this period, slamming complaints generally declined each quarter. Does the CGB review the complaint and inquiry subject categories to determine whether a new category should be added and an old category removed from the top 5 categories?

a. If the answer is “yes,” how often is such a review undertaken?

b. If the answer is “yes,” describe this review process and identify any occasions when new categories were added and other categories removed from the top 5 categories.

36. Across all types of services identified in the CGB’s quarterly reports, the categories of consumer complaints and consumer inquiries differ in several respects. There is a great deal of consistency for some service types. For example, the top 5 wireline complaint categories are: billing & rates; carrier marketing & advertising; cramming; slamming; and Telephone Consumer Protection Act. The top 5 wireline inquiry subjects are: billing & rates; cramming; digital service line issues; slamming; and Telephone Consumer Protection Act. Other service types differ markedly in the top 5 subjects. For example, the top 5 complaint subjects for wireless are: billing & rates; carrier marketing & advertising; contract – early termination; equipment; and service quality. The top 5 inquiry subjects, however, are: amateur license; electrical interference; general mobile radio service license; land mobile license; and tower-related issues.

a. Please explain the factual or policy bases for such differences in complaint and inquiry subject categories?

b. Please explain the factual or policy bases for the differences in complaint and inquiry subject categories for wireless service, in particular.

37. In the 1Q2002 quarterly report, for wireless service the top 5 complaint subjects were identical to the top 5 inquiry subjects. This changed between the 2Q2002 and the 3Q2002 reports, when the current top 5 categories of wireless inquiry subjects were introduced, which differ from the 5 categories of wireless complaint subjects.

a. Please explain the factual or policy bases for the divergence in the top 5 complaint and top 5 inquiry subjects for wireless service.

b. Please describe the bases for adopting the new top 5 inquiry subjects for wireless service in the 3Q2002 report.

38. Please explain whether, and if so how, the process for determining the top 5 complaint subjects differs from the process from determining the top 5 inquiry subjects?

39. What personnel or offices within the CGB are responsible for determining the top 5 complaint subjects and the top 5 inquiry subjects? Please describe their relationship with personnel or offices within the CGB that are responsible for receiving, recording and responding to consumer informal complaints and inquiries.

40. NASUCA understands that the CGB's predecessor, the former Consumer Information Bureau, included in its reports the number of Congressional complaints and inquiries received and answered. Does the CGB record Congressional complaints and inquiries that it receives and answers?

a. If the answer is "yes," please describe how Congressional complaints and inquiries, and the CGB's response thereto, are recorded.

IV. Use of Informal Complaint and Inquiry Data.

41. How does the CGB calculate any consumer savings, refunds, credits, etc. associated with complaints that it receives, such as by mathematical formula or some other process?

42. How does the CGB interact with other bureaus and offices within the Commission in assessing whether additional consumer protection measures are necessary?

a. For example, do the Commission personnel that take reports regarding service disruptions (*i.e.*, outages) periodically share information related to such disruptions with CGB in order to see whether there is any correlation between such disruptions and complaints or inquiries received by the CGB?

b. Are there Commission or CGB guidelines that address the circumstances under which the number or quality of informal complaints or inquiries received by the CGB are sufficient to warrant contact, or further action, with the Commission's Enforcement Bureau or other offices within the Commission?

43. What processes does the CGB employ in order to identify patterns of informal complaints or inquiries that might warrant the CGB bringing such information to the attention of other bureaus and the commissioners (*e.g.*, possible subjects for enforcement action or proposed rulemaking)?

44. What processes does the CGB employ in order to identify patterns of informal complaints or inquiries relating to individual carriers or service providers that might warrant the CGB bringing such information to the attention of other bureaus or the commissioners (*e.g.*, possible subjects for enforcement action or proposed rulemaking)?

45. Does the CGB review informal complaints or inquiries it receives to determine which carriers or service providers are the subject of the significant numbers of consumer complaints or inquiries?

a. If the answer is “yes,” please describe that review process and how frequently it takes place.

b. If the answer is “yes,” please indicate what action the CGB took in response to that review.

46. Does the CGB review informal complaints or inquiries it receives on a state-by-state, regional, or market basis in order to determine whether such complaints or inquiries are concentrated in certain markets?

a. If the answer is “yes,” please describe that review process and how frequently it takes place.

b. If the answer is “yes,” please indicate what action the CGB took in response to that review.