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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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QUARTERLY REPORT OF INFORMAL CONSUMER INQUIRIES AND COMPLAINTS FOR SECOND QUARTER OF CALENDAR YEAR 2011 RELEASED

Washington, DC – The Commission has released its Report of the top subject areas of informal consumer inquiries and complaints received and processed by the Consumer & Governmental Affairs Bureau (CGB) during the second quarter of calendar year 2011.

2011 Second Quarter Inquiries. During the second quarter of 2011, the overall number of inquiries for the top four reported inquiry categories decreased by more than 36% from the number received and processed by CGB during the previous quarter, from 20,451 during the first quarter, to 13,023, as described below. The number of Cable and Satellite Services inquiries decreased by more than 30%, from 2,057 to 1,426, due to a decrease in inquiries regarding billing and rates issues. Inquiries regarding Billing and Rates Issues constituted more than 41% of the inquiries in this category during the second quarter. The number of Radio and Television Broadcasting inquiries decreased by nearly 45%, from 6,381 to 3,495, primarily due to a decrease in inquiries concerning broadcast programming issues. Wireless Telecommunications inquiries notably decreased by more than 36%, from 3,477 to 2,194, with a substantial decrease in the number of inquiries regarding service related issues. Wireline Telecommunications inquiries decreased more by than 30%, from 8,536 to 5,908, with Telephone Consumer Protection Act (TCPA) matters constituting more than 63% of the second quarter inquiries in this category.

2011 Second Quarter Complaints. During the second quarter of 2011, the overall number of complaints in the top four reported categories decreased by 4% from those received and processed during the first quarter, from 61,603 to 59,080. Cable & Satellite Services complaints decreased by 15%, from 1,651 to 1,389. The number of Radio and Television Broadcasting complaints decreased by more than 27%, from 2,977 to 2,164. Wireless Telecommunications complaints decreased by more than 4%, from 27,495 to 26,149, with Call or Message to Wireless Device-related complaints comprising the bulk of the complaints in this category. Wireline Telecommunications complaints decreased by nearly 1%, from 29,480 to 29,378, with TCPA-Other Issues, Do Not Call List and Unsolicited Faxes constituting the top categories of Wireline complaints which, when combined, constituted over 89% of the Wireline complaints in the reported subcategories during the second quarter.

The Commission receives many inquiries and complaints that do not involve violations of the Communications Act, or a rule, policy or order of the Commission. The existence of a complaint does not necessarily establish wrongdoing by the named company. The second quarter Report, as well as previous reports on informal consumer inquiries and complaints, can be viewed at: <http://www.fcc.gov/cgb/quarter/welcome.html>.

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REPORT OF INFORMAL CONSUMER INQUIRIES AND COMPLAINTS
Second Quarter, Calendar Year 2011
Executive Summary

This Report tracks the top subject areas of consumer inquiries and complaints received and processed during the second quarter of calendar year 2011 by the Consumer & Governmental Affairs Bureau (CGB).¹ A consumer inquiry is defined as correspondence or communications received by the Commission from or on behalf of an individual seeking information regarding a matter under the FCC's jurisdiction. An informal consumer complaint is defined as a communication received by a CGB Consumer Center, either via U.S. mail, fax, e-mail, the Internet, 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.

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The Commission receives many inquiries and complaints that do not involve violations of the Communications Act, or a rule, policy or order of the Commission. The existence of a complaint does not necessarily establish wrongdoing by the named company. The second quarter Report, as well as previous reports on informal consumer inquiries and complaints, can be viewed at: <http://www.fcc.gov/cgb/quarter/welcome.html>.

ⁱ The data reported reflects the complaints and inquiries recorded in CGB's automated tracking systems during the period from April 1 to June 30, 2011. The information generated for this Report is that entered into the tracking systems on or before those specific dates. In addition, the data referenced in this Report account for statistics at the national level as reported by the Commission and, therefore, are not necessarily indicative of corresponding state or local trends.

REPORT OF INFORMAL CONSUMER INQUIRIES AND COMPLAINTS
Second Quarter, Calendar Year 2011
Top Consumer Issues – Subject Category Reference Guide

CABLE & SATELLITE SERVICES

Billing & Rates: billing and rates charged for program service

Digital Television: digital TV service or the transition to digital TV

Disability & Access: video description, closed captioning, and emergency access to video programming

Over-The-Air Reception Devices (OTARD): installation, maintenance or use of antennas (including direct-to-home satellite dishes, TV antennas, and wireless cable antennas) used to receive video programming

Programming: program content or the choice of channels/programs available to subscribers

Provider Marketing & Advertising: provider advertising and marketing practices, including alleged misrepresentations

Satellite Television Extension & Localism Act (STELA): The Satellite Home Viewer Improvement Act of 1999 (SHVIA) and Satellite Home Viewer Extension and Reauthorization Act of 2004 (SHVERA) and was further updated under the Satellite Television Extension & Localism Act of 2010 (STELA).

Service: quality of service provided

RADIO & TELEVISION BROADCASTING

Digital Television: digital TV service or the transition to digital TV

Disability & Access: video description, closed captioning, and emergency access to video programming

Interference: reception of unwanted signals from nearby transmitters to home electronic equipment

Programming:

- Indecency/Obscenity: obscene, indecent or profane programming
- Other: miscellaneous programming issues (*e.g.*, contests and lotteries, freedom of speech, how to start a station, journalism, false information, lists of stations)

- General Criticisms: non-specific concerns regarding programming content

Station Marketing & Advertising: station advertising and marketing practices, including alleged misrepresentations

WIRELESS TELECOMMUNICATIONS

Billing & Rates:

- **Airtime Charges**: charges to subscribers for actual time spent using a wireless phone
- **Credit/Refunds/Adjustments**: credits, refunds, or bill adjustments
- **Line Items**: surcharges and taxes appearing on a wireless bill:
 - Access Charge: miscellaneous line item charges
 - E-911: provision of automatic location information and automatic number identification via a wireless phone used to contact a 911 call center
 - Taxes: taxes appearing on wireless bill
 - Universal Service: availability and affordability of phone service for low income consumers in geographic areas in which the cost of providing telephone service is high
- **Recurring Charges**: recurring monthly charges that appear on a subscriber's bill
- **Roaming Rates**: charges assessed to the subscriber for wireless calls made while roaming in another carrier's territory
- **Rounding**: practice of rounding calls to a full minute
- **Service Plan Rates**: terms and conditions of service:
 - Activation Fee: usually a one-time charge to initiate service
 - Off-Peak: specified period during which per-minute rate is lower
 - Optional Services: including caller-ID, voice mail, road-rescue
 - Peak: specified time during which per-minute rate is higher
 - Prepaid Service: subscriber pays for service in advance
 - Promo Plan: including minute allowances
 - Security Deposit: usually a one-time charge that is held by the carrier for a specified period required for subscriber to acquire service

Carrier Marketing & Advertising: carrier advertising and marketing practices, including alleged misrepresentations

Contract – Early Termination of Service: termination of a subscriber’s service prior to end of specified contract term:

- By Subscriber: subscriber’s liability for terminating service prior to end of specified contract term
- By Carrier: carrier’s right to terminate a subscriber’s service prior to end of specified contract term

Equipment (EQUI)

- Equipment Unauthorized Charges (EQUC)- subscriber charged for wireless phone without agreeing to purchasing phone
- Faulty Equipment (EFAU) - technical or malfunctioning equipment
- Stolen Equipment (ESTO) - misuse or reporting problems associated with stolen equipment

Interference: reception of unwanted signals from nearby transmitters to electronic equipment

License Information (General): General Mobile Radio Services (GMRS) license acquisition, requirements, eligibility, cancellation, frequency coordination, replacement and other related issues

Service: quality of service or the lack of signal coverage within a geographic area served by a wireless provider

- Dead Spots: inability to receive service within certain areas
- Dropped Calls: premature termination of calls
- Home Area Service: overall quality of service within the subscriber’s local calling area
- Network Busy Signal: calls that do not go through because of overcrowding of the service frequencies
- Roaming Availability: availability of service outside of the subscriber’s local calling area
- Roaming Service: overall quality of service while roaming
- Service Interruption: inability to use wireless phone because service was interrupted by service provider

Telephone Consumer Protection Act (TCPA): compliance with TCPA wireless requirements

Tower: light outages, paint, posting, zoning and registration

WIRELINE TELECOMMUNICATIONS

Billing & Rates:

Credit/Refunds/Adjustments: account credits, refunds or adjustments

Line Items: charges and taxes appearing on a telephone bill:

- Access – Subscriber Line Charge: subscriber local-loop line charges for maintaining residential and business and telephone access to the network
- Access – Universal Service: FCC’s universal service fund-affordable access to basic telephone service for low-income consumers and consumers in high-cost areas, and provision of communications services to schools, libraries and health care facilities
- Interstate Directory Assistance: charges assessed for access to directory assistance information
- Taxes on Telephone Bill: local, state, or federal taxes appearing on a telephone bill
- Truth in Billing - No Service Provider ID: the name of the service provider and/or contact information for the service provider is not easily identifiable on the bill
- Truth in Billing - Bundled Charges: bill fails to contain plain language description and breakdown of charges for each carrier where multiple carriers appear on the bill
- Truth in Billing - No Payment Solution: bill fails to clearly distinguish charges for which nonpayment will result in disconnection from those that will not result in disconnection

Rates: rates and charges billed by telephone companies:

- Casual Call Billing: rates billed for calls placed from non-public phones through a carrier that is not the presubscribed carrier for the telephone (or does not recognize a telephone number as that of a subscriber)
- Double Billing: disputes concerning double billing for calls or services
- DSL Rate Problem: DSL promotional plan rates altered or unspecified to consumer
- International Internet Dial-up: international calls billed to subscriber as a result of using local (domestic) Internet service providers to access websites
- International Calls – Rates: international calls, rates and/or service that either originate or terminate in the U.S.
- 809 International Billing: 809 area code collect call and consumer dialing scams
- 900 Pay-Per-Call Billing: commercially provided interstate 900 number information or entertainment services
- OSP Rates: rates charged for interstate calls placed from public phones
- Rates for Interstate Telecommunications Services – Billing: disputes concerning interstate rates and charges

Cramming: unauthorized, misleading or deceptive charges appearing on a subscriber’s bill

Recurring Charges: recurring charges that appear on a subscriber’s bill

Service Quality: quality of service provided by carrier:

- DSL Service Inadequate: poor quality of service or service outages
- Interstate Telecommunications: poor call reception, service outages, service disconnects, or carrier's failure to release telephone line (and no charges are associated)
- Long Distance Service Treatment: inadequate customer service treatment by long distance carriers including, but not limited to, additional services being added without the consumer's knowledge or approval

Slamming: practice of changing a subscriber's telecommunications service provider (or a calling plan) without the subscriber's consent

- International slam: changing a subscriber's international long distance service without permission
- Local Service slammed: changing a subscriber's local or regional intrastate long distance service without permission
- Local and Long Distance slammed: changing a subscriber's local and long distance service without permission
- Long Distance slammed: changing a subscriber's interstate telephone company service without permission
- Slamming w/Problem LOA: changing a subscriber's interstate telephone company based on fraudulent signed documents or illegal formats, such as sweepstakes

Telephone Consumer Protection Act (TCPA): compliance with TCPA:

- Do Not Call List: any telephone solicitation to a residential telephone subscriber who has requested not to receive telephone solicitations
- Unsolicited Fax: unsolicited ("junk") faxes or the use of a computer or other device to send any messages via a telephone facsimile
- Other: other aspects of TCPA (*e.g.*, prerecorded messages, abandoned calls & war dialing, business telephone complaints, emergency telephone complaints, call or message to wireless device, and/or call or message to toll free numbers)

Universal Service Issues: contribution methodology, general information, rural health care and calculation increases.

**Summary of Top Consumer Inquiry Subjects
Processed by the FCC's Consumer & Governmental Affairs Bureau
Second Quarter - Calendar Year 2011**

	April	May	June	Quarter Totals
Cable & Satellite Services				
Service Related Issues	41	47	47	135
Programming Issues	37	56	56	149
Satellite Television Extension & Localism Act Issues	55	67	50	172
Over-the-Air Reception Device Issues	103	136	146	385
Billing & Rates Issues	192	212	181	585
<i>Totals</i>	428	518	480	1,426

	April	May	June	Quarter Totals
Radio and Television Broadcasting				
Disability Issues	34	39	51	124
Station Marketing & Advertising	56	58	44	158
Interference	132	139	184	455
Digital Television Issues	258	417	427	1,102
Broadcast Programming Issues	572	551	533	1,656
<i>Totals</i>	1,052	1,204	1,239	3,495

	April	May	June	Quarter Totals
Wireless Telecommunications				
Tower Related Issues	45	58	55	158
Billing & Rates	98	99	104	301
Interference	107	112	107	326
Service Related Issues	199	264	237	700
License Information (General)	200	223	286	709
<i>Totals</i>	649	756	789	2,194

	April	May	June	Quarter Totals
Wireline Telecommunications				
Cramming	80	119	152	351
Number Portability	95	152	173	420
Billing & Rates	116	191	258	565
Universal Service Issues	227	301	285	813
Telephone Consumer Protection Act Issues	1,150	1,323	1,286	3,759
<i>Totals</i>	1,668	2,086	2,154	5,908

Notes:

**Summary of Top Consumer Complaint Subjects
Processed by the FCC's Consumer & Governmental Affairs Bureau
Second Quarter - Calendar Year 2011**

	April	May	June	Quarter Totals
Cable & Satellite Services				
Disability & Access Issues	33	27	41	101
Provider Marketing & Advertising	59	44	55	158
Service Related Issues	89	100	103	292
Billing & Rates Issues	120	156	162	438
Programming Issues	119	154	127	400
<i>Totals</i>	420	481	488	1,389

	April	May	June	Quarter Totals
Radio and Television Broadcasting				
Interference	34	41	27	102
Digital Television Issues	33	57	57	147
Programming - General Criticism	76	81	115	272
Programming - Indecency/Obscenity**	119	298	200	617
Other Programming Issues	273	428	325	1,026
<i>Totals</i>	535	905	724	2,164

	April	May	June	Quarter Totals
Wireless Telecommunications				
Contract - Early Termination	104	130	127	361
Equipment Related Issues	183	192	181	556
Service Related Issues	320	351	360	1,031
Billing & Rates	1,042	955	1,109	3,106
Telephone Consumer Protection Act	6,523	6,930	7,642	21,095
<i>Totals</i>	8,172	8,558	9,419	26,149

	April	May	June	Quarter Totals
Wireline Telecommunications				
Service Quality	265	209	254	728
Billing & Rates	754	781	796	2,331
Telephone Consumer Protection Act-Unsolicited Fax	1,861	2,000	1,986	5,847
Telephone Consumer Protection Act -Other Issues	2,868	3,169	3,835	9,872
Telephone Consumer Protection Act - Do Not Call List	3,025	3,594	3,981	10,600
<i>Totals</i>	8,773	9,753	10,852	29,378

Notes:

* An informal consumer complaint is defined as any correspondence or communication received at a Consumer and Governmental Affairs Bureau (CGB) Consumer Center via U.S. mail, fax, e-mail, the Internet 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) requests relief. The complaint figures in this Report reflect selected categories of complaints -- specifically, the top complaint categories listed above-- and are not inclusive of all complaints handled by the FCC.

** The number of broadcast programming complaints assigned to each of the programming sub-categories is based upon initial processing. The distribution of programming complaints among the sub-categories may change upon further review. Complaints regarding alleged indecency/obscenity/profanity during specific programs are forwarded to the Enforcement Bureau (EB) for appropriate handling. The number of programming complaints noted in this Report reflects complaints received by CGB, EB, and those e-mailed directly to the respective offices of the FCC Chairman and the Commissioners. The reported counts may include duplicate complaints or contacts that subsequently are determined insufficient to be actionable.

*** See attachment for a brief description of each subject category.

****The data noted in this Report reflect statistics at the national level as reported to the Commission, and therefore are not necessarily indicative of corresponding state or local trends.

*****The complaint figures in this Report represent volume only for the categories and subcategories listed and are not inclusive of all complaints for all categories handled by the FCC.