



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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

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News Media Contact:
Keyla Hernandez-Ulloa at (202) 418-0965
e-mail: Keyla.Hernandez-Ulloa@fcc.gov

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

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

2011 Fourth Quarter Inquiries. During the fourth quarter of 2011, the overall number of inquiries for the top four reported inquiry categories decreased by more than 4% from the number received and processed by CGB during the previous quarter, from 14,419 during the third quarter, to 13,782, as described below. The number of Cable and Satellite Services inquiries decreased by more than 18%, from 1,650 to 1,347, due to a decrease in inquiries regarding Billing and Rates, Satellite Television Extension and Localism Act issues, and Over-the-Air Reception Device issues. Inquiries regarding Billing and Rates issues constituted more than 36% of the inquiries in this category during the fourth quarter. The number of Radio and Television Broadcasting inquiries increased by more than 18%, from 3,664 to 4,326, primarily due to an increase in inquiries concerning Programming issues. Wireless Telecommunications inquiries decreased by more than 2%, from 2,094 to 2,037, with a decrease in the number of inquiries regarding Billing and Rates, Tower-related, and License Information issues. Wireline Telecommunications inquiries decreased by more than 13%, from 7,011 to 6,072, with Telephone Consumer Protection Act (TCPA) matters constituting more than 58% of the fourth quarter inquiries in this category.

2011 Fourth Quarter Informal Complaints. During the fourth quarter of 2011, the overall number of informal complaints in the top five reported categories increased by nearly 1% from those received and processed during the third quarter, from 66,847 to 67,476. Bundled and VoIP Service-related complaints increased by more than 11% this quarter, from 1,661 to 1,847. Cable and Satellite Services complaints decreased by more than 12%, from 1,663 to 1,461. The number of Radio and Television Broadcasting complaints increased by more than 15%, from 2,083 to 2,406. Wireless Telecommunications complaints increased by more than 9%, from 29,390 to 32,124, with Call or Message to Wireless Device-related complaints comprising the bulk of the complaints in this category. Wireline Telecommunications complaints decreased by more than 7%, from 32,050 to 29,638, with TCPA-Other Issues, Do Not Call List and Unsolicited Faxes constituting the top categories of such complaints. These subcategories, combined, constituted over 90% of the Wireline complaints in the reported subcategories during the fourth quarter.

The Commission receives many inquiries and informal 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 fourth quarter Report, as well as previous reports on consumer inquiries and informal complaints, can be viewed at: <http://www.fcc.gov/cgb/quarter/welcome.html>.

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

This Report tracks the top subject areas of consumer inquiries and informal complaints received and processed during the fourth 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 informal 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

fourth quarter Report, as well as previous reports on consumer inquiries and informal complaints, can be viewed at: <http://www.fcc.gov/cgb/quarter/welcome.html>.

ⁱ The data reported reflect the informal complaints and inquiries recorded in CGB's automated tracking systems during the period from October 1 to December 31, 2011. The information generated for this Report is that entered into the tracking systems during that period. 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 CONSUMER INQUIRIES AND INFORMAL COMPLAINTS
Fourth Quarter, Calendar Year 2011
Top Consumer Issues – Subject Category Reference Guide

BUNDLED AND VoIP SERVICES

Billing and Rates: billing and rates charged for bundled or VoIP services

Broadband Services: high-speed broadband access that is always on and faster than traditional dial-up access. Broadband can be provided over different platforms: Digital Subscriber Line (DSL); Cable Modem; Fiber-Optic Cable (Fiber); Wireless; Satellite; and Broadband over Power Line (BPL)

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

Number Portability: ability to port a telephone number from one service provider to another

Service: quality of service provided

CABLE AND SATELLITE SERVICES

Billing and Rates: billing and rates charged for program service

Broadband Services: quality of high-speed broadband access provided

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

Disability and 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 and Advertising: provider advertising and marketing practices, including alleged misrepresentations

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

Service: quality of service provided

RADIO AND TELEVISION BROADCASTING

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

Disability and 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 and Advertising: station advertising and marketing practices, including alleged misrepresentations

Service: signal quality

WIRELESS TELECOMMUNICATIONS

Billing and 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 Charges: 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 Fund: 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 and 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 and 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

Number Portability: ability to port a telephone number from one service provider to another

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 slammed: 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 and 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 Fund: 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
Fourth Quarter - Calendar Year 2011**

	October	November	December	Quarter Totals
Cable and Satellite Services				
Service	59	43	34	136
Programming	50	42	51	143
Satellite Television Extension and Localism Act	73	87	79	239
Over-the-Air Reception Devices	120	110	108	338
Billing and Rates	181	151	159	491
<i>Totals</i>	483	433	431	1,347

	October	November	December	Quarter Totals
Radio and Television Broadcasting				
Disability and Access	46	47	46	139
Station Marketing and Advertising	54	63	60	177
Interference	134	150	131	415
Digital Television	323	295	242	860
Programming	431	1,884	420	2,735
<i>Totals</i>	988	2,439	899	4,326

	October	November	December	Quarter Totals
Wireless Telecommunications				
Tower	48	45	44	137
Billing and Rates	34	67	70	171
Interference	100	98	96	294
License Information (General)	227	247	242	716
Service	264	229	226	719
<i>Totals</i>	673	686	678	2,037

	October	November	December	Quarter Totals
Wireline Telecommunications				
Cramming	91	92	75	258
Number Portability	133	127	131	391
Billing and Rates	253	252	215	720
Universal Service Fund	375	418	358	1,151
Telephone Consumer Protection Act	1,312	1,118	1,122	3,552
<i>Totals</i>	2,164	2,007	1,901	6,072

Notes:

→A consumer inquiry is defined as any correspondence or communication received at a Consumer & Governmental Affairs Bureau (CGB) Consumer Center from individuals seeking information on matters under the FCC's jurisdiction. A Report containing a brief description of each subject category is attached to this Summary.

→The data within this Summary account for statistics at the national level as reported to the Commission, and therefore are not necessarily indicative of corresponding state and local trends. In addition, the inquiries figures in this Summary represent volume for the categories and subcategories listed in this Summary only and are not inclusive of all inquiries for all categories handled by the FCC.

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

	October	November	December	Quarter Totals
Bundled and VoIP Services				
Number Portability	36	36	47	119
Carrier Marketing and Advertising	30	51	55	136
Broadband Services	54	78	58	190
Billing and Rates	211	187	226	624
Service	277	245	256	778
<i>Totals</i>	608	597	642	1,847

	October	November	December	Quarter Totals
Cable and Satellite Services				
Broadband Services	44	32	26	102
Disability and Access	39	31	39	109
Programming	115	103	118	336
Billing and Rates	144	114	110	368
Service	200	185	161	546
<i>Totals</i>	198	166	183	1,461

	October	November	December	Quarter Totals
Radio and Television Broadcasting				
Service	34	37	26	97
Interference	75	68	90	233
Programming - General Criticisms	169	209	224	602
Programming - Indecency/Obscenity	268	259	196	723
Other Programming	205	276	270	751
<i>Totals</i>	751	849	806	2,406

	October	November	December	Quarter Totals
Wireless Telecommunications				
Contract - Early Termination of Service	197	165	142	504
Equipment	248	241	206	695
Service	884	803	826	2,513
Billing and Rates	910	902	950	2,762
Telephone Consumer Protection Act	8,474	7,890	9,286	25,650
<i>Totals</i>	10,713	10,001	11,410	32,124

	October	November	December	Quarter Totals
Wireline Telecommunications				
Billing and Rates	477	436	400	1,313
Service Quality	535	443	454	1,432
Telephone Consumer Protection Act-Unsolicited Fax	1,356	1,112	885	3,353
Telephone Consumer Protection Act -Other	3,800	3,688	3,591	11,079
Telephone Consumer Protection Act - Do Not Call List	4,092	4,128	4,241	12,461
<i>Totals</i>	10,260	9,807	9,571	29,638

Notes:

→An informal consumer complaint is defined as any correspondence or communication received at a Consumer & 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. A summary containing a brief description of each subject category is attached to this Report.

→The number of broadcast programming complaints assigned to each of the programming subcategories is based upon initial processing. The distribution of programming complaints among the subcategories 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 Summary 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.

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