



NEWS

Federal Communications Commission
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Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

FOR IMMEDIATE RELEASE:
July 16, 2014

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NEVADA CARRIER WILL PAY \$1.3 MILLION TO RESOLVE WIRELESS CRAMMING INVESTIGATION

Carrier Allegedly Billed Consumers for Unauthorized Messaging Charges for Directory Assistance and Other Services

Washington, DC – Assist 123, LLC, a Las Vegas, NV telecommunications carrier, will pay \$1.3 million to resolve an FCC investigation into allegations that the company billed wireless telephone consumers for a “Concierge/Directory Assistance” subscription text messaging service, a service that they did not want or authorize. This practice is commonly known as “cramming.” This is the FCC’s third enforcement action this week involving alleged cramming violations, following a proposed \$7.62 million fine to Optic Internet Protocol on Monday and a proposed \$1.6 million fine to Net One International on Tuesday.

“Carriers must not be allowed to deceive customers into unwittingly opening their wallets for services that they don’t want,” said Travis LeBlanc, Acting Chief of the FCC’s Enforcement Bureau. “This settlement, as with two other cases this week, reflects the Commission’s ongoing commitment to protect consumers from unauthorized charges on their phone bills.”

Assist 123 and its affiliated companies billed consumers for unwanted Premium Short Messaging Service (PSMS) communications. These billing practices generated over 2,600 pages of complaints and inquiries from consumers who alleged that they were repeatedly charged for subscription services that they had never authorized, including directory assistance, movie and theater listings, restaurant locator service, driving directions, news and financial information, and lottery results. Some consumers alleged that they received misleading or deceptive marketing text messages from the companies, but that they were unable to cancel these messages because their reply text “stop” was undeliverable, or they texted “stop” but were billed nonetheless. Other consumers complained that they were charged for the service without first receiving any marketing messages from the companies or that the companies charged them at the same time they received their first text message. The companies generally charged consumers \$9.99 per month on the consumers’ T-Mobile, Verizon, AT&T, and Sprint bills.

The FCC found that Assist 123 and its affiliates have used a variety of fictitious or trade names to provide their Concierge/Directory Assistance service, including “Direct 411,” “900 Assist,” “Levendo Global,” “Number Info Service,” “SMS 181,” “SMS VW,” “Dial 411 Now,” “QueryFast,” “SearchNow 411,” “CellZum,” and “Cell Beetle.”

In addition to paying \$1.3 million, the FCC’s Consent Decree requires Assist 123 to refrain from charging any person for any product or service that the person did not expressly authorize; to use clear, non-misleading and unambiguous language in marketing communications about telecommunications services, or for products or services billed on a telephone bill; to assist consumer complainants within one business day after receipt; designate a senior corporate manager as a compliance officer; and to develop and implement a three-year compliance plan.

Inclusion of unauthorized charges and fees on consumers' telephone bills is an "unjust and unreasonable" practice that is unlawful under the Communications Act. Since January 2014, the Commission has taken six enforcement actions against carriers for alleged cramming and slamming violations that have totaled more than \$20 million in proposed penalties and payments to the U.S. Treasury.

For more information about the FCC's rules protecting consumers from unauthorized charges on phone bills, see the FCC consumer guide, Cramming - Unauthorized, Misleading, or Deceptive Charges Placed on Your Telephone Bill. For information about other communications issues, visit the FCC's Consumer website, or contact the FCC's Consumer Center by calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or by writing to:

Federal Communications Commission
Consumer and Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, SW
Washington, DC 20554

The Order and Consent Decree is available at:

https://apps.fcc.gov/edocs_public/attachmatch/DA-14-982A1.pdf

The Optic Internet Protocol Notice of Apparent Liability is available at:

https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-101A1.pdf

The Net One International Notice of Apparent Liability is available at:

https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-100A1.pdf