

SEPARATE STATEMENT OF COMMISSIONER KATHLEEN ABERNATHY

Re: Establishment of Rules Governing Procedures to be Followed when Informal Complaints are Filed by Consumers Against Entities Regulated by the Commission, CI Docket No. 02-XX, Notice of Proposed Rulemaking (adopted February 14, 2002).

Today's Notice has not incited a lobbying frenzy or drawn a brilliant press spotlight. Yet its subject – customer service – is of critical importance to the FCC and my work as a Commissioner. The Commission relies upon the informal complaint process to ensure maximum compliance with the Communications Act of 1934 as well as its own rules and orders.

The complaint process has grown in significance since passage of the Telecommunications Act of 1996. The Act, along with technological convergence, has created greater selection in pricing, products, and services, but also more areas for consumer confusion and concern. Since enactment, the FCC has received tens of thousands of complaints from consumers alleging violations of the Act and our rules and orders.¹

It is past time for us to amend the complaint process. Just as effective competition demands consumers to be educated and discriminating, competition likewise calls on the Commission to be more responsive to consumer complaints. The presence of competition opens up more possibilities for fraud and abuse. In order to enjoy the benefits of competition, we have a responsibility to check that behavior.

Specifically, I support the guiding principles behind this Notice. Clarity and predictability in the complaint process are critical. We want to send a message to consumers that their voices will be heard; we want to tell businesses that infractions of Commission rules will not be tolerated. One step in that direction is creating, to the greatest extent possible, a consistent procedure for the handling of all complaints.

I also endorse the Notice's emphasis on cooperative resolution. We should encourage companies, on their own accord, to respond promptly and effectively to consumer concerns. Not all complaints require government intervention to be resolved.

But for those complaints that do require the attention of the FCC, we must provide a prompt and sure resolution. I thank the Consumer Information Bureau for its hard work in this effort. The Commission is a service-based organization, and it is important that we provide our customers, taxpayers, with the quality customer service that they deserve. I look forward to working with the Bureau, the other Commissioners, and the Chairman as we develop a full record and promulgate revised rules to facilitate this essential Commission function.

¹ Press Release, Federal Communications Commission, FCC Consumer Information Bureau Releases Quarterly Report on Complaints and Inquiries Processed (Feb. 7, 2002).