

**SEPARATE STATEMENT
OF COMMISSIONER MICHAEL J. COPPS**

*In the Matter of: Establishment of Rules Governing
Procedures to Be Followed When Informal Complaints
Are Filed by Consumers Against Entities Regulated by the Commission*

I support launching this proceeding, because I believe that our process for addressing and resolving consumer complaints needs revision. That being said, I am not convinced that the proposals contained in the Notice of Proposed Rulemaking we adopt today move the process toward the stated goal of a *less* burdensome process for consumers.

The FCC has a statutory obligation to enforce the laws under our jurisdiction, particularly where the laws affect consumers. In the *industries* we regulate, a transgression by one company is likely to be brought to our attention, or to the attention of the infringing company, by a competitor affected by the transgression. When the violation affects a *consumer*, however, neither the Commission nor the company is as likely to be notified, and the transgression is less likely to be addressed. As public servants, it is our responsibility to ensure that *all* stakeholders – consumers and corporate competitors – have effective access to the Commission’s enforcement procedures.

This proceeding addresses an admirable goal – to simplify the rules by which consumers may use the Commission’s good offices to gain redress for their concerns. I am concerned, however, that the procedures proposed here may in some cases complicate rather than simplify the complaint process for consumers. Were I affiliated with a company subject to the Commission’s regulation, this process would not make me concerned about complaints coming from consumers.

The NPRM outlines three different ways that consumers may gain redress for their complaints – through direct complaint to the company; through the Commission’s proposed informal complaint process; and through the traditional formal complaint process. We need to be crystal clear that these are options and that one process should not be a prerequisite for another. Nor must the exhaustion of one remedy preclude the utilization of another.

In creating a simplified consumer complaint process, we must not create new bureaucratic hoops through which consumers must jump before their complaints are addressed by this agency. Nor should we even give the appearance of complicating the process. The goal of this proceeding should be lowering the bar for consumer complaints, not raising it. In the redress of consumer complaints, there can be no “one size fits all” process. A consumer who finds an overcharge on his or her phone bill may ask to resolve that issue through a call to the phone company, but a consistent pattern of “cramming” may not be resolved without the Commission’s proactive intervention. A call to a local television station may yield an explanation about the cancellation of a favorite program, but the enforcement of the nation’s indecency laws goes beyond being a matter for simple private resolution -- it is a responsibility given the Commission by Congress.

As we work through the rulemaking proceeding we commence today, I look forward to input from all parts of the community – from consumer advocates and from companies. Each of us as citizens may have occasion to use one or more of these complaint processes someday, so I hope as many of us as possible will help us get it right as we follow up on this Notice.