



# NEWS

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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. Circ 1974).

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## **QUARTERLY REPORT ON INFORMAL CONSUMER INQUIRIES AND COMPLAINTS RELEASED**

Washington, DC – The Commission has released its report on the inquiries and complaints processed by the Consumer & Governmental Affairs Bureau (CGB) during the first quarter of calendar year 2004.

Wireless complaints increased from 8,512 last quarter to 8,830 this quarter. A rise in the number of Billing and Rate related complaints accounted for the modest increase as Number Portability complaints, for which tracking commenced in late November 2003, and Service Quality complaints declined. Wireline complaints decreased from 20,423 to 17,680 with declines in all the top categories except Slamming and Service Quality.

Beginning with the fourth quarter 2003 report, the Bureau reported indecency and obscenity complaints received by the Commissioners' Offices and through the agency's [fccinfo.gov](http://fccinfo.gov) e-mail address. This change in method largely accounted for a sizeable increase in Radio and Television Broadcasting complaints reported for the fourth quarter 2003. A rise in the number of Indecency complaints once again spearheaded an increase as the number of Radio and Television Broadcasting complaints rose from 146,403 to 693,080. Meanwhile, Cable complaints continued downward, decreasing from 185 to 175.

Wireless inquiries decreased from 16,895 to 14,094 due largely to a significant drop in the number of Billing and Rate related inquiries. Wireline inquiries, on the other hand, rose from 49,171 to 54,551 buoyed by an increase in Slamming and Cramming inquiries. Radio and Television Broadcasting inquiries increased from 6,652 to 9,017, continuing a trend recorded in the fourth quarter 2003. The biggest increase was in the Programming and Content category. Cable inquiries also increased sharply from 3,972 during the fourth quarter 2003 to 8,581 in the first quarter 2004, with programming issues spearheading the increase.

The Commission receives many inquiries and complaints that do not involve violations of the Communications Act, or a rule or order of the Commission. The existence of a complaint does not necessarily indicate wrongdoing by the company or companies at issue.

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CGB contact: Thomas Wyatt at (202) 418-1400.

**REPORT ON INFORMAL CONSUMER INQUIRIES AND COMPLAINTS**  
**1st Quarter Calendar Year 2004**  
**Executive Summary**

This report tracks consumer inquiries and complaints processed by the Consumer & Governmental Affairs Bureau (CGB) received during the 1<sup>st</sup> quarter of calendar year 2004.<sup>1</sup> Inquiries are defined as correspondence or communications received at the Commission from individuals seeking information on matters under the FCC's jurisdiction. Informal consumer complaints are defined as a communication received at CGB's consumer centers either via postal mail, fax, email 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.

Wireless complaints increased from 8,512 last quarter to 8,830 this quarter. A rise in the number of Billing and Rate related complaints accounted for the modest increase as Number Portability complaints, for which tracking commenced in late November 2003, and Service Quality complaints declined. Wireline complaints decreased from 20,423 to 17,680 with declines in all the top categories except Slamming and Service Quality.

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The Commission receives many inquiries and complaints that do not involve violations of the Communications Act, or a rule or order of the Commission. The existence of a complaint does not necessarily indicate wrongdoing by the company or companies at issue.

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<sup>1</sup> The data reported reflect the complaints and inquiries recorded in CGB's automated tracking systems for the period January 1, 2004 to March 31, 2004. The information generated for this specific report is information entered into the tracking systems on or before a specific date. In addition, the data within this report account for statistics at the national level as reported to the Commission and, therefore, are not necessarily indicative of corresponding state or local trends.

## Top Consumer Issues – Subject Category Reference Guide

### **CABLE SERVICES**

**Billing & Rates:** Complaints/inquiries concerning billing matters and the rates charged for cable programming service (or expanded basic) tier on a cable system

**Cable Modem Service:** Complaints/inquiries regarding cable modem service.

**Connections to Cable Systems:** Complaints/inquiries regarding availability or quality of connections to cable systems.

**Disability Issues:** Complaints/inquiries regarding video description, closed captioning, and emergency access to video programming.

**Over-The-Air-Reception-Devices (OTARD) Issues:** Complaints/inquiries regarding the installation, maintenance or use of antennas -- including direct-to-home satellite dishes that are less than one meter (39.37") in diameter (or of any size in Alaska), TV antennas, and wireless cable antennas -- to receive video programming

**Programming Issues:** Complaints/inquiries regarding program content or the choice of channels or programs available to subscribers.

**Satellite Issues:** Complaints/inquiries regarding satellite.

**Satellite Home Viewer Improvement Act (SHVIA) Issues:** Complaints/inquiries concerning satellite carriers provision of television broadcast (including distant or national) programming to subscribers.

**Service Related Issues:** Complaints/inquiries about the quality of service provided by cable operators.

### **RADIO & TELEVISION BROADCASTING**

**Disability Issues:** Complaints/inquiries regarding video description, closed captioning, and emergency access to video programming.

**General Broadcast Information:** Inquiries regarding general broadcast requirements, licenses, and community obligations.

**How to Start Broadcast Station:** Inquiries regarding starting a broadcast station.

**Low Power Issues:** Inquiries regarding low power TV and low power radio

**Madalyn M. O’Hair Religious Broadcast Rumor:** Inquiries regarding rumor on limiting or banning religious programming

**Political Programming:** Inquires regarding political programming.

**Programming Issues**

- Indecency/Obscenity: Complaints/inquiries regarding broadcast programs that allegedly contain indecent or obscene material
- Loud Commercials: Complaints/inquiries regarding abrupt changes in volume during transition from regular programming to commercials
- Religious: Complaints/inquiries regarding religious programs
- Violence: Complaints/inquiries regarding violence in programs
- General Content Criticism: generalized concerns regarding the content of broadcast programs

**WIRELESS TELECOMMUNICATIONS**

**Amateur License Issue:** Inquiries regarding Amateur license acquisition, requirements, eligibility, and replacement

**Billing and Rates-Related – Includes the Following Subcategories:**

**Billing/Rates - Airtime Charges:** Complaints/inquiries regarding charges to subscriber for actual time spent talking on a wireless phone

**Billing/Rates-Credit/Refunds/Adjustments:** Complaints/inquiries regarding credits, refunds, or bill adjustments

**Billing/Rates - Line Items:** complaints/inquiries regarding surcharges and taxes appearing on a phone bill

- Access Charge: Complaints/inquiries regarding miscellaneous line items charges
- E-911: Complaints/inquiries regarding provision of automatic location information and automatic number identification via a wireless phone used to contact a 911 call center.
- Taxes: Complaints/inquiries regarding taxes appearing on cellular bill
- Universal Service: Complaints/inquiries about the availability and affordability of phone service for low income consumers in geographic areas where the costs of providing telephone service is high

**Billing/Rates – Recurring Charges:** Complaints/inquiries over recurring monthly charges that appear on a customer’s bill

**Billing/Rates – Roaming Rates:** Complaints/inquiries about charges assessed to the subscriber for wireless calls made while roaming in another carrier’s territory

**Billing/Rates – Rounding:** Complaints/inquiries about the practice of rounding calls to a full minute

**Billing/Rates – Service Plan Rate:** Complaints/inquiries about the terms and conditions of service:

- Activation Fee: usually one time charge to initiate service
- Off-Peak: specified time where per-minute rate is lower
- Optional Services: including caller-id, voice mail, road-rescue, etc.
- Peak: specified time where per-minute rate is higher
- Prepaid Service: subscriber pays for service in advance
- Promo Plan: including minute allowances
- Security Deposit: usually one time charge that is held by the carrier for a specified timeframe in order for subscriber to acquire service

**Carrier Marketing & Advertising:** Complaints/inquiries regarding advertising and marketing practices of carriers including alleged misrepresentations

**Contract – Early Termination:** Complaints/inquiries regarding termination of a subscriber's service prior to end of specified contract term

- Termination of Service by subscriber: subscriber's liability for terminating service prior to specified contract term
- Termination of Service by carrier: carrier's right to disconnect a subscriber's service prior to end of a specified contract term

**Cramming:** Consumer complaints/inquiries about allegedly unauthorized, misleading, or deceptive charges appearing on a telephone bill

**Electrical Interference Issue:** Inquiries regarding unwanted signals from nearby transmitters to home entertainment electronic equipment.

**Equipment:** Complaints/inquiries about telecommunications equipment used or purchased by a subscriber.

- Faulty Equipment: involves technical problems or malfunctioning equipment
- Stolen Equipment: involves the purported misuse of or other problems associated with stolen equipment

**General Mobile Radio Service (GMRS) License Issue:** Inquiries regarding GMRS license acquisition, requirements, eligibility, and replacement.

**Land Mobile (LM) License Issue:** Inquiries regarding LM license acquisition, requirements, eligibility, and replacement.

**Service – Quality/Coverage:** Complaints/inquiries regarding quality of service or the lack of 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: involving calls that do not go through because of overcrowding of the service frequencies
- Roaming Availability: availability of service outside the subscriber's local calling area
- Roaming Service: overall quality of service while roaming
- Service Interruption: inability to use cellular phone because service was interrupted by service provider

## **WIRELINE TELECOMMUNICATIONS**

### **Billing and Rates-Related – Includes the Following Subcategories:**

**Billing/Rates Credit/Refunds/Adjustments:** Complaints/inquiries about credits, refunds, or adjustments allegedly owed to the subscriber

**Billing/Rates – Line Item:** Complaints/inquiries about the line items appearing on telephone bills:

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

**Billing/Rates – Rates:** Miscellaneous complaints/inquiries about the rates and charges billed by telephone companies:

- Casual Call Billing: rates billed for calls placed from non-public phones through a carrier who is not the presubscribed carrier for the telephone (or which does not recognize a telephone number as that of a subscriber)
- Double Billing: dispute involving alleged double billing for calls or services
- DSL Rate Problem: DSL promotion plan rates allegedly altered or unspecified to consumer
- International Internet Dial-up: international calls (routed to places like Chad, Madagascar or other countries) that were billed to consumers 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.
- International 809# Billing: 809 area code collect call and consumer dialing scam
- 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 about interstate rates and charges

**Billing/Rates – Recurring Charges:** Complaints/inquiries about recurring charges that appear on a customer's bill

**Calling Card Issues:** Complaints/inquiries regarding prepaid and telephone provider calling cards.

**Carrier Marketing & Advertising:** Complaints/inquiries regarding the marketing and advertising practices of interexchange carriers

**Cramming:** Complaints/inquiries about allegedly unauthorized, misleading, or deceptive charges appearing on a telephone bill.

**Digital Subscriber Line Issues:** Complaints/inquiries regarding digital subscriber line service.

**Service Quality:** Complaints/inquiries regarding the quality of service provided by telephone companies:

- DSL Service Inadequate: poor quality of service or service outage
- Interstate Telecommunications: poor call reception, service outage, 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 carrier including, but not limited to, additional services being added without the consumer's knowledge or approval, etc.

**Slamming** – Complaints/inquiries regarding the practice of changing a subscriber’s telecommunications service provider (or a calling plan) without the subscriber’s permission

- 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 format, such as sweepstake.

**Telephone Consumer Protection Act (TCPA)**: Complaints/inquiries regarding compliance with the TCPA:

- Artificial or Prerecorded Message and/or ATDS: calls to a residence using an artificial or prerecorded voice to deliver a message without prior consent of the called party prohibited unless an emergency exists
- Do Not Call List Request Not Honored: no person or entity may initiate any telephone solicitation to a residential telephone subscriber-- unless such person or entity has instituted procedures for maintaining a list of persons who have requested not to receive telephone solicitations
- Fax Complaint: unsolicited (“junk”) faxes or the use of a computer or other device to send any messages via a telephone facsimile prohibited unless such message clearly contains the date and time it is sent and an identification of the business, other entity or individual sending the message
- TCPA General Solicitations: the initiation of a call or message for the purpose of encouraging the purchase or rental of, or investment in property, goods, or services
- Time of Day violation: no person or entity may initiate any telephone solicitation to a residential telephone subscriber before 8 a.m. or after 9 p.m. (local time based on the called party’s location)



**Summary of Top Consumer Complaint\* Subjects**  
**Processed by the FCC's Consumer & Governmental Affairs Bureau (CGB)**  
**First Quarter - Calendar Year 2004**

	January	February	March	Quarter Total
<b>Cable Services</b>				
Billing & Rates	28	16	16	60
Cable Modem Service	8	10	16	34
Disability Issues	13	5	4	22
Programming Issues	17	9	3	29
Service Related Issues	16	10	4	30
<i>Totals</i>	82	50	43	175

	January	February	March	Quarter Total
<b>Radio &amp; Television Broadcasting</b>				
Disability Issues	7	14	13	34
Programming - General Criticism	18	23	24	65
Programming - Indecency/Obscenity**	119,271	543,255	30,554	693,080
Other Programming Issues	1	5	5	11
<i>Totals</i>	119,297	543,297	30,596	693,190

	January	February	March	Quarter Total
<b>Wireless Telecommunications</b>				
Billing & Rates	1,347	1102	1,138	3,587
Carrier Marketing & Advertising	264	228	288	780
Contract - Early Termination	358	291	290	939
Number Portability	1,679	683	542	2,904
Service Quality	256	179	185	620
<i>Totals</i>	3,904	2,483	2,443	8,830

	January	February	March	Quarter Total
<b>Wireline Telecommunications</b>				
Billing & Rates	1,269	1,122	1,222	3,613
Carrier Marketing & Advertising	216	173	180	569
Service Quality	180	167	163	510
Slamming	491	464	539	1,494
Telephone Consumer Protection Act	4,120	3,416	3,958	11,494
<i>Totals</i>	6,276	5,342	6,062	17,680

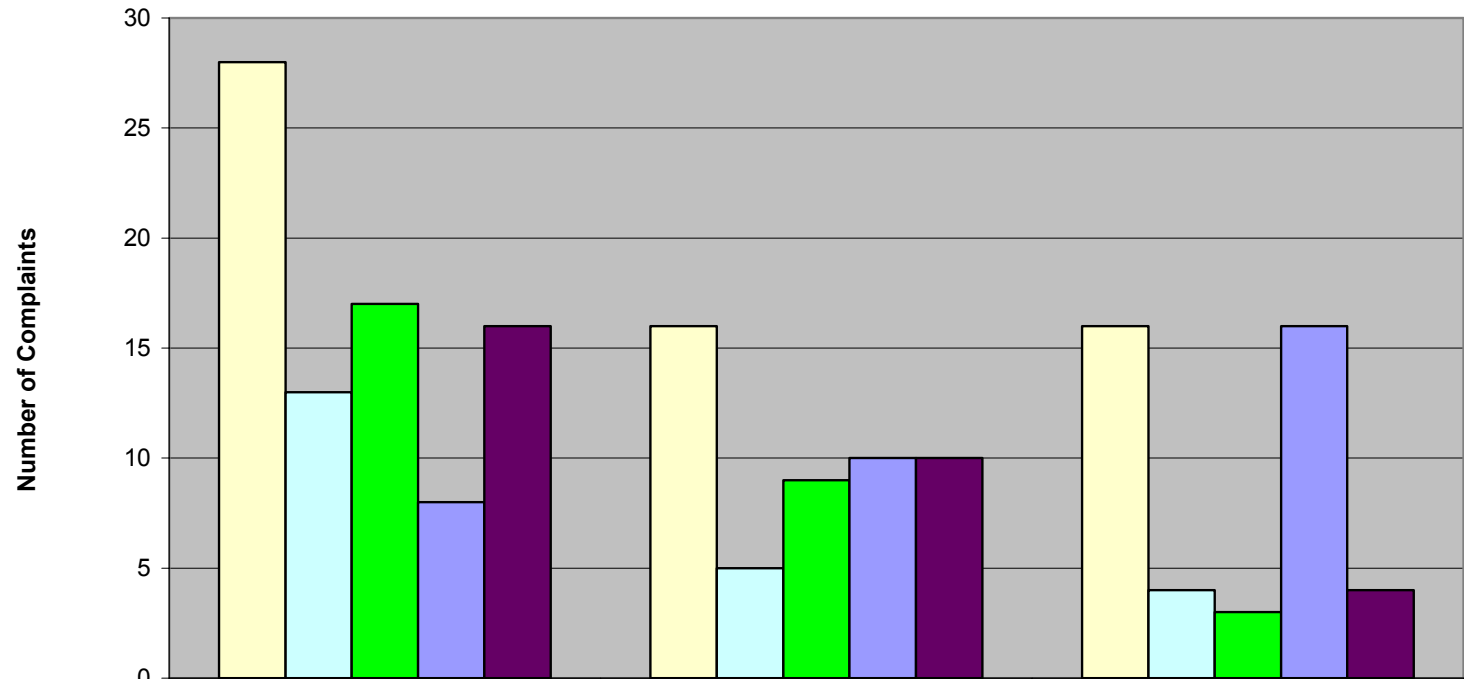
**NOTES:** (1) See attachment for brief description of subject categories.

\* A complaint is defined as a communication received at CGB's consumer center either via letter, fax, email 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. The FCC receives many complaints that do not involve violations of the Communications Act or a FCC rule or order. The existence of a complaint does not necessarily indicate wrongdoing by the company involved.

\*\* Complaints regarding alleged indecency/obscenity during specific broadcasts are forwarded to the Enforcement Bureau (EB) for appropriate handling. Commencing with this report, the reported counts reflect complaints received directly by CGB, complaints forwarded to EB, complaints received separately by EB, and complaints emailed directly to the FCC Commissioner's offices and FCCINFO. The reported counts may also include duplicate complaints or contacts that subsequently are determined insufficient to constitute actionable complaints.

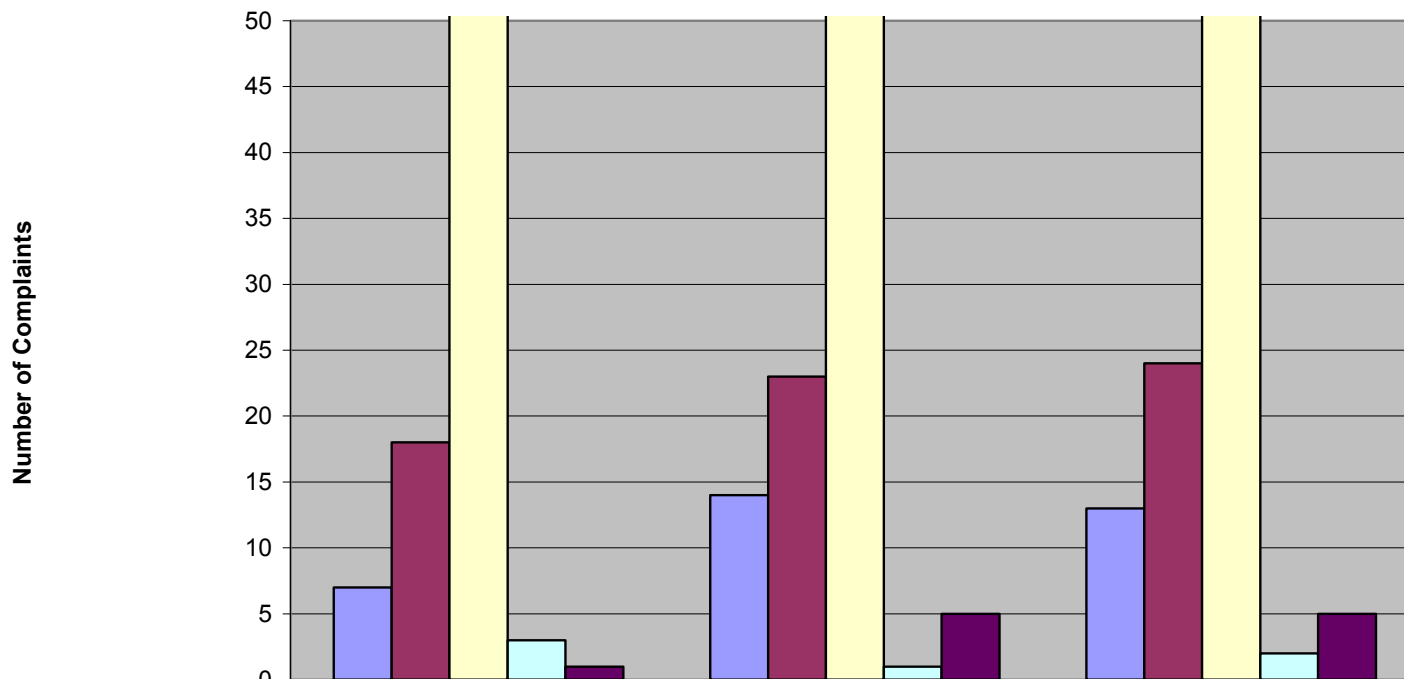
The data within this report account for statistics at the national level as reported to the Commission, and therefore are not necessarily indicative of corresponding state or local trends.

**Consumer & Governmental Affairs Bureau  
Top Cable Service Consumer Complaints  
First Quarter - Calendar Year 2004**



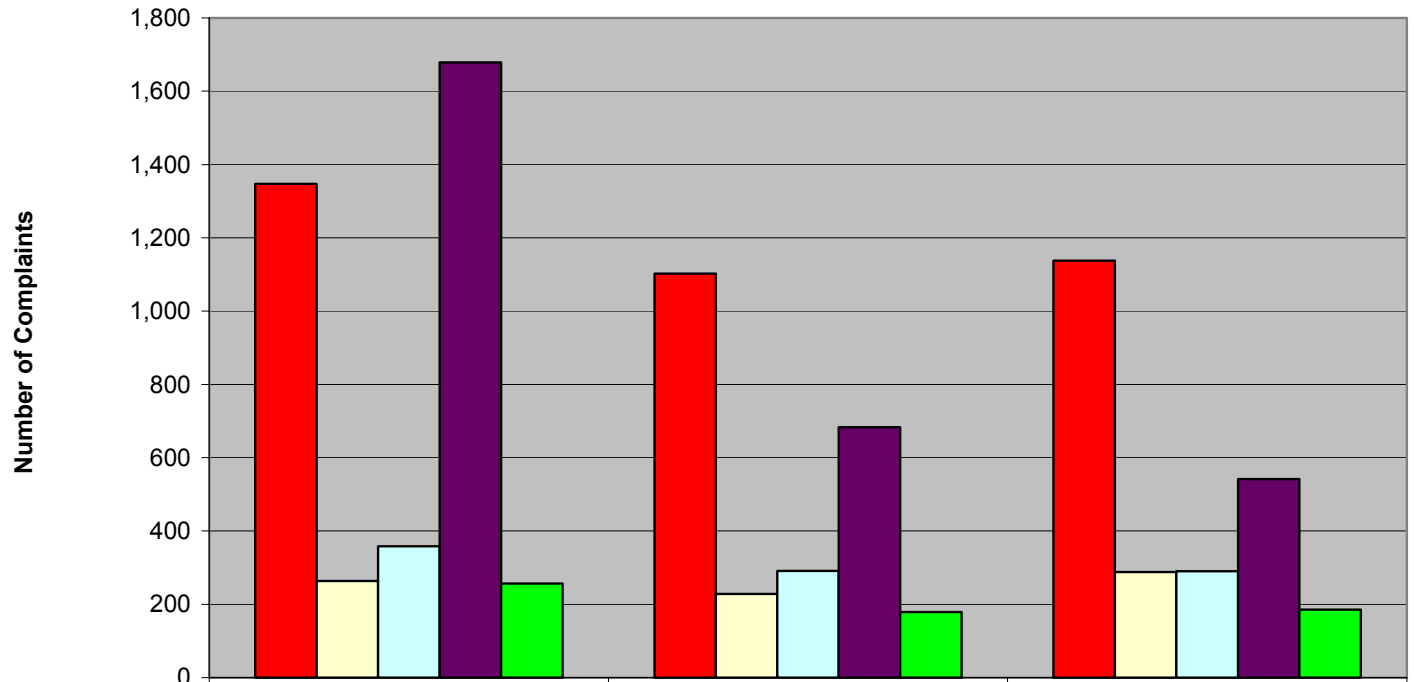
	January	February	March
■ Billing & Rates	28	16	16
■ Disability Issues	13	5	4
■ Programming Issues	17	9	3
■ Cable Modem Service	8	10	16
■ Service Related Issues	16	10	4

**Consumer & Governmental Affairs Bureau  
Top Radio & Television Broadcasting Consumer Complaints  
First Quarter - Calendar Year 2004**



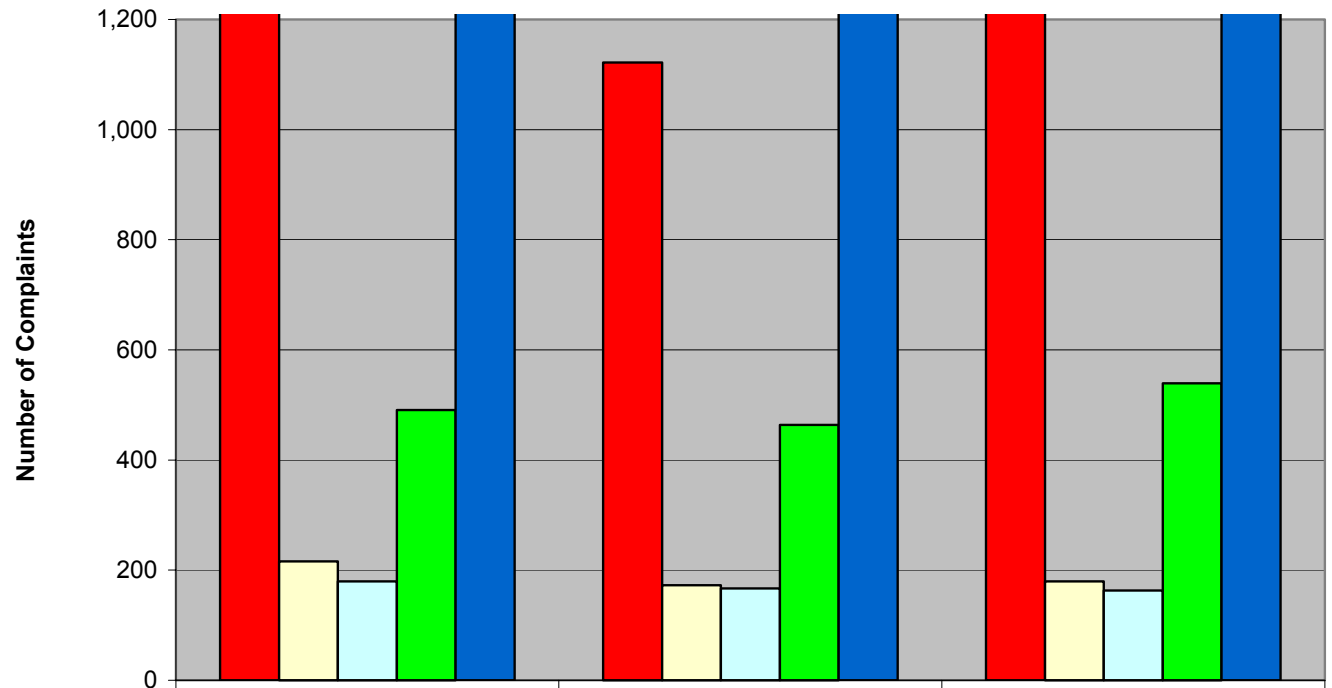
	January	February	March
■ Disability Issues	7	14	13
■ Programming - General Criticism	18	23	24
■ Programming - Indecency/Obscenity**	119,271	543,255	30,554
■ Loud Commercial	3	1	2
■ Other Programming Issues	1	5	5

**Consumer & Governmental Affairs Bureau  
Top Wireless Telecommunications Consumer Complaints  
First Quarter - Calendar Year 2004**



	January	February	March
■ Billing & Rates	1,347	1102	1,138
□ Carrier Marketing & Advertising	264	228	288
□ Contract - Early Termination	358	291	290
■ Number Portability	1,679	683	542
■ Service Quality	256	179	185

**Consumer & Governmental Affairs Bureau  
Top Wireline Telecommunications Consumer Complaints  
First Quarter - Calendar Year 2004**



	January	February	March
■ Billing & Rates	1,269	1,122	1,222
■ Carrier Marketing & Advertising	216	173	180
■ Service Quality	180	167	163
■ Slamming	491	464	539
■ Telephone Consumer Protection Act	4,120	3,416	3,958

**Summary of Top Consumer Inquiry\* Subjects**  
**Processed by the FCC's Consumer & Governmental Affairs Bureau (CGB)**  
**First Quarter - Calendar Year 2004**

	January	February	March	Quarter Total
<b>Cable Services</b>				
Billing & Rates	292	332	310	934
Programming Issues	180	321	3500	4,001
Satellite Home Viewer Improvement Act	247	283	231	761
Satellite Issues	213	259	676	1,148
Service-Related Issues	580	525	632	1,737
<i>Totals</i>	1,512	1,720	5,349	8,581

	January	February	March	Quarter Total
<b>Radio &amp; Television Broadcasting</b>				
General Broadcast Information	192	266	331	789
How to Start Broadcast Station	195	180	224	599
Low Power Broadcast Information	199	178	225	602
Political Programming	61	102	123	286
Programming & Content	664	4,570	1,507	6,741
<i>Totals</i>	1,311	5,296	2,410	9,017

	January	February	March	Quarter Total
<b>Wireless Telecommunications</b>				
Amateur License	566	577	887	2,030
Billing & Rates	207	182	242	631
Electrical Interference	1,967	2,516	2,294	6,777
General Mobile Radio Service License	603	588	671	1,862
Number Portability	1,670	638	486	2,794
<i>Totals</i>	5,013	4,501	4,580	14,094

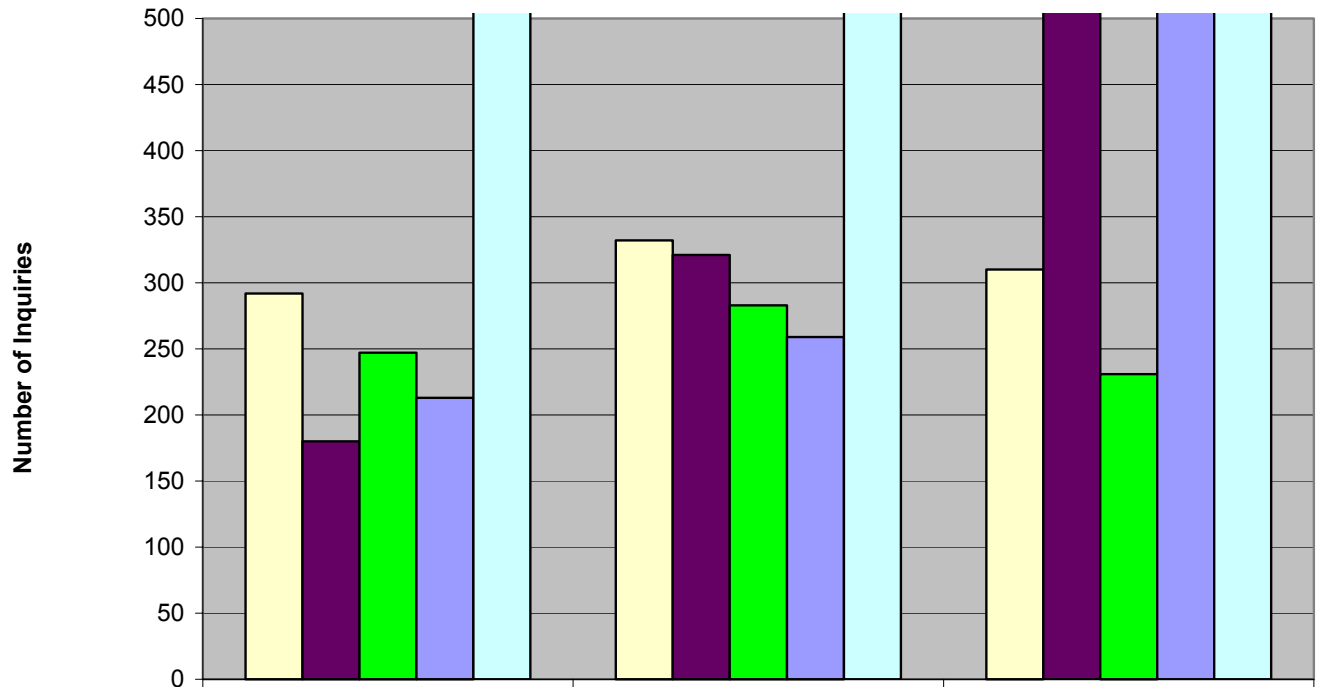
	January	February	March	Quarter Total
<b>Wireline Telecommunications</b>				
Billing & Rates	1,553	1,467	1,893	4,913
Cramming	3,660	2,961	4,797	11,418
Number Portability	149	97	102	348
Slamming	6,899	6,859	10,387	24,145
Telephone Consumer Protection Act	3,377	4,609	5,741	13,727
<i>Totals</i>	15,638	15,993	22,920	54,551

**NOTES:**

\* An inquiry is defined as a correspondence received at CGB's consumer center either via letter, fax, email or telephone from individuals seeking information on matters under the FCC's jurisdiction.

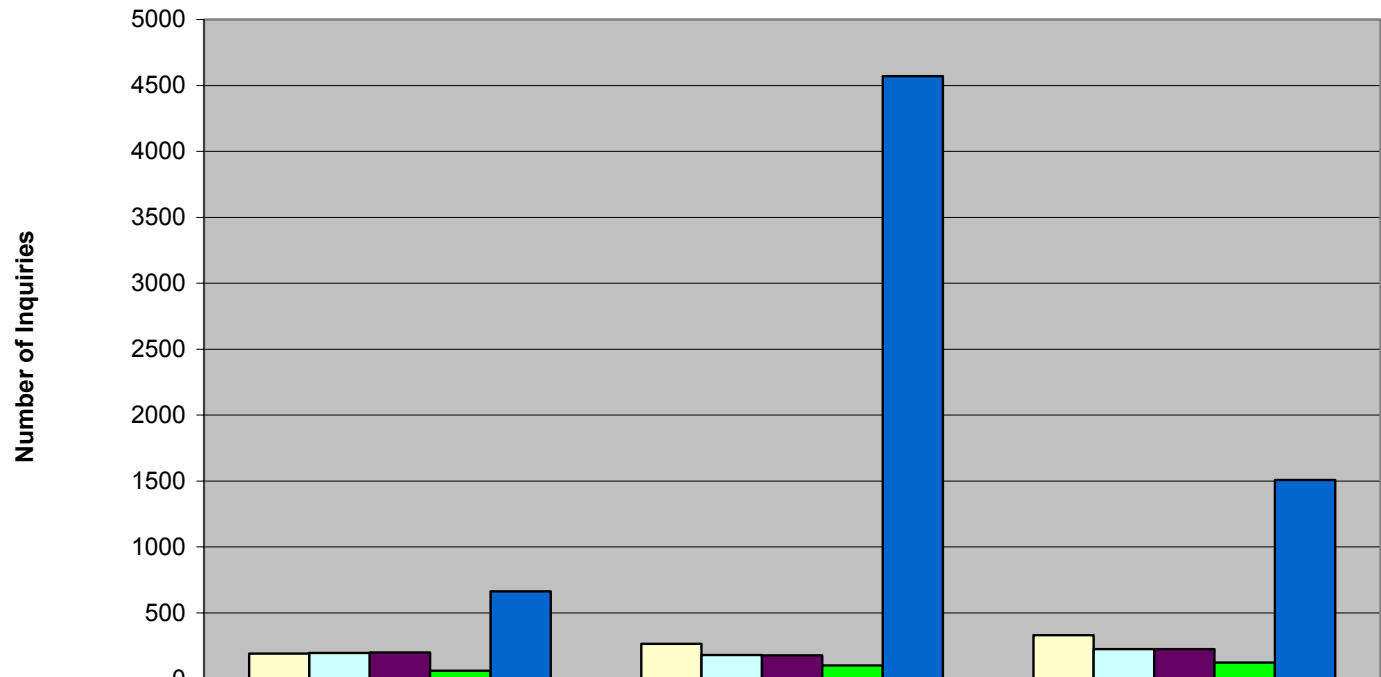
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**Consumer & Governmental Affairs Bureau  
Top Cable Service Consumer Inquiries  
First Quarter - Calendar Year 2004**



	January	February	March
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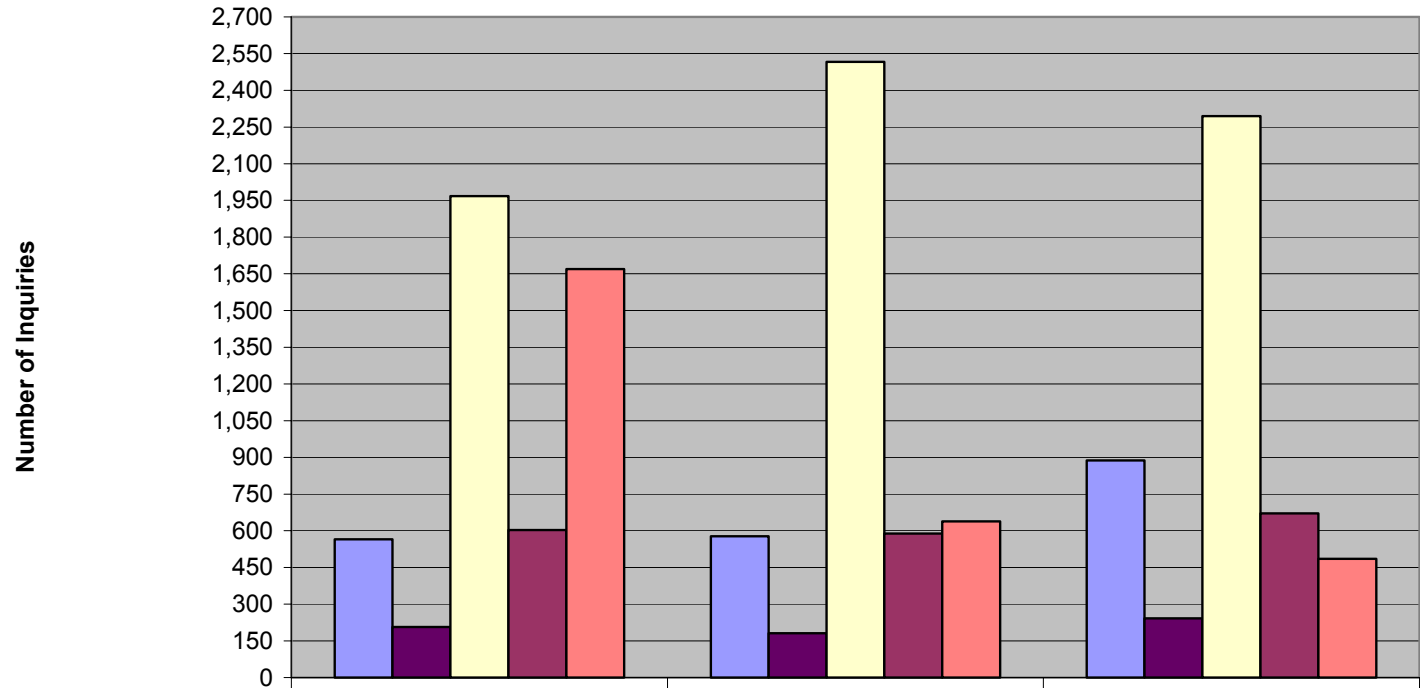
**Consumer & Governmental Affairs Bureau  
Top Radio & Television Broadcasting Inquiries  
First Quarter - Calendar Year 2004**



	January	February	March
General Broadcast Information	192	266	331
How to Start Broadcast Station	195	180	224
Low Power Broadcast Information	199	178	225
Political Programming	61	102	123
Programming & Content	664	4,570	1,507

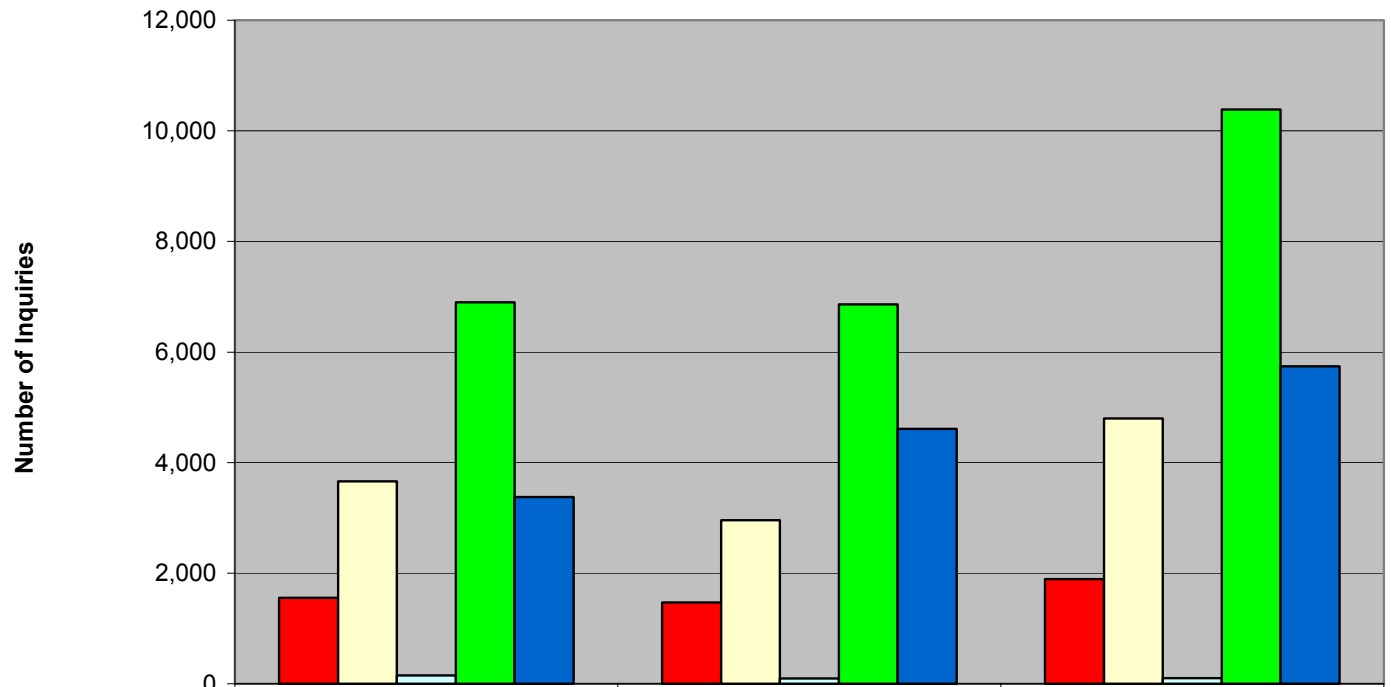


**Consumer & Governmental Affairs Bureau  
Top Wireless Telecommunications Consumer Inquiries  
First Quarter - Calendar Year 2004**



	January	February	March
Amateur License	566	577	887
Billing & Rates	207	182	242
Electrical Interference	1,967	2,516	2,294
General Mobile Radio Service License	603	588	671
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**Consumer & Governmental Affairs Bureau  
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