



INTERGOVERNMENTAL ADVISORY COMMITTEE
TO THE
FEDERAL COMMUNICATIONS COMMISSION
ADVISORY RECOMMENDATION NUMBER 2013 – 6

Regarding Access by State, Local and Tribal Policymakers
to Disaggregated Complaint Data at the FCC

I. INTRODUCTION

The Intergovernmental Advisory Committee (IAC) to the Federal Communications Commission (Commission) submits this Recommendation to address the need for state, local, and tribal officials to have greater access to granular state, local and tribal complaint data from the FCC. The FCC has recognized the critical need to better coordinate the sharing of information related to complaints with non-federal regulators in order to protect consumers. In the FCC’s Notice of Proposed Rulemaking, CG Docket No. 11-116, FCC 11-106, ¶66, released July 12, 2011, the FCC specifically acknowledged the need for the various regulatory entities that monitor federal and state cramming laws to share their cramming complaints and information and sought comments on how to better coordinate the sharing of information with federal and state regulators.

It is important that these officials have on-line access to disaggregated FCC complaint data. As technologies continue to merge, as states continue the trend of limiting or eliminating retail rate regulation, and as consumers continue to choose more telecommunications services that blur traditional jurisdictional boundaries, the FCC’s role in addressing consumer complaints and collecting information will increase. Access to the FCC’s disaggregated data would help both the FCC and other officials to more quickly and accurately resolve complaints and inquiries. Having access to the FCC’s disaggregated complaint data will also enable policymakers¹ and other officials to better identify emerging and persistent concerns and to take measures to address those concerns.

¹ “Policymakers” should be generically defined as state, local and tribal legislators and regulators.

II. THE ISSUE

In an effort to reduce slamming and cramming, the FCC adopted two Truth-in-Billing Orders. These Orders applied to both wireline and wireless services. The Orders addressed consumer billing issues by establishing provider billing requirements which aid consumers with understanding their telecommunications bill. Telecommunications providers were further required to clearly disclose on their customers' bills any information that the customer needed to acquire information or file a complaint.

Today, the FCC and state, local and tribal governments continue to receive complaints about communications, data, and cable services. As states move toward deregulating retail telecommunications services, policymakers must rely on market forces to enforce service quality standards. This trend increases the need for an efficient federal/state partnership. It also increases the need for state, local and tribal policymakers to have greater access to the FCC's complaint data.

Currently, the FCC publishes quarterly reports of consumer inquiries and informal complaints. These reports list for each quarter the top complaint subject areas of all of the consumer inquiries and informal complaints received and processed by the Consumer & Governmental Affairs Bureau. While these reports are very useful, the complaint information available in the reports would be even more valuable if it were disaggregated further. As the telecommunications industry continues its movement towards cooperative federalism, it will be imperative for all levels of government to have access to more detailed and disaggregated complaint information.

Having the ability to access disaggregated FCC complaint data by area (preferably by zip code), would better enable state, local and tribal policymakers to pinpoint specific problem areas. For instance, if the number of complaints that the FCC received significantly increased, having access to complaint information separated by zip code, state, or region would be beneficial because state, local and tribal policymakers would be able to determine if complaints increased overall or if the increase was specific to a particular area.

Having access to complaint information disaggregated by complaint subject, carrier type, company, technology, and complaint disposition is equally important and would facilitate more efficient analysis of the FCC's complaint data. The FCC's quarterly report of consumer inquiries and informal complaints lists the top complaint subject areas aggregated from all states. The report itself states that "(t)he data combined in 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."

When reviewing this quarterly report, state, local and tribal policymakers have no way to determine which of the top FCC complaint subject areas were also prominent in their state or locality. Therefore, access to complaint information disaggregated by complaint subject area would help state, local and tribal policymakers, particularly those with limited internal state complaint data, to identify complaint subject areas that may need to be addressed. Having access to carrier and technology complaint information will also enable regulators to easily identify

problems with a specific carrier type (wireline or wireless) or technology (VOIP, analog, cable, etc.). While more detailed and disaggregated complaint information is needed, it is also important to evaluate if it is feasible or burdensome for the FCC to provide access to such data.

If access is obtainable, the FCC would need to seek feedback from state, local and tribal policymakers regarding what information would be most beneficial for non-federal policymakers to analyze. In addition, the FCC and the states, localities and tribes would need to work together to determine how the FCC's complaint information should be disaggregated and/or made more granular. This could be achieved through a process initiated within any of the several cooperative groups already established, such as the Intergovernmental Advisory Committee , the NARUC Presidential Task Force on Federalism and Telecommunications, or other groups.

III. RECOMMENDATION

The IAC recommends that the FCC work cooperatively with state, local and tribal policymakers to explore how it can provide such non-federal officials with full, on-line access to the FCC's disaggregated complaint data. Access to this data would enable state, local, and tribal policymakers to more efficiently identify specific telecommunication problem areas within their states, localities, and tribal areas. In addition, non-federal policymakers may also find having access to the FCC's disaggregated complaint data beneficial when establishing new telecommunication policies and analyzing and evaluating the effectiveness of current state, local, and tribal telecommunication policies and their effects on consumers.

Approved on this 11th day of July 2013.

INTERGOVERNMENTAL ADVISORY COMMITTEE

Joyce Dickerson, Chair