

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Protecting Consumers from)	CG Docket No. 17-169
Unauthorized Carrier Changes and)	
Related Unauthorized Charges)	

COMMENTS OF COMCAST CORPORATION

<p>A. Richard Metzger, Jr. Emily J. H. Daniels LAWLER, METZGER, KEENEY & LOGAN, LLC 1717 K Street NW, Suite 1075 Washington, DC 20006 <i>Attorneys for Comcast Corporation</i></p>	<p>Kathryn A. Zachem Beth A. Choroser <i>Regulatory Affairs</i> Brian A. Rankin Andrew D. Fisher <i>Legal Regulatory Affairs</i> COMCAST CORPORATION 300 New Jersey Avenue, NW, Suite 700 Washington, DC 20001 (202) 379-7134 (202) 379-7141</p>
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TABLE OF CONTENTS

I.	INTRODUCTION AND SUMMARY	1
II.	A MANDATORY DEFAULT PREFERRED CARRIER FREEZE IS UNNECESSARY AND WOULD UNDERMINE NUMEROUS COMMISSION PUBLIC INTEREST GOALS	3
A.	Additional Consumer Protections Against Slamming Are Unwarranted	4
B.	A Default Freeze Would Prevent Consumers from Quickly and Efficiently Changing Service Providers and Undermine Other Commission Policies	6
III.	REQUIRING THE EXECUTING PROVIDER TO VERIFY A PORTING REQUEST WOULD SIMILARLY AND NEEDLESSLY DELAY NUMBER PORTS AND HARM CONSUMERS	11
IV.	A SERVICE PROVIDER’S IMPLEMENTATION OF A ROBUST CUSTOMER AUTHORIZATION SYSTEM SHOULD OBVIATE THE NEED FOR ADDITIONAL VERIFICATION REQUIREMENTS	14
V.	CONCLUSION	17

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Comcast Corporation (“Comcast”) hereby submits these comments in response to the Notice of Proposed Rulemaking released by the Federal Communications Commission (“FCC” or “Commission”) in the above-captioned proceeding.¹

I. INTRODUCTION AND SUMMARY

Comcast strongly supports targeted Commission action against “unscrupulous carriers” that engage in slamming, cramming, and other misleading sales tactics.² The potential new requirements described in the Notice as anti-slamming measures, however, are sweeping and unwarranted, because there simply is no evidence that the Commission’s current rules and enforcement practices have proven ineffective in combatting these practices. As we show below, the existing rules have produced a precipitous decline over the past twenty years in the frequency with which consumers are victimized by these anticompetitive practices. Indeed, Commission data indicate that the total number of slamming complaints received in 1998 was approximately *fifty* times

¹ *Protecting Consumers from Unauthorized Carrier Changes and Related Unauthorized Charges*, CG Docket No. 17-169, Notice of Proposed Rulemaking, FCC 17-91 (rel. July 14, 2017) (“NPRM” or “Notice”).

² *See id.* ¶ 5.

greater than the number of such complaints received in either 2015 or 2016. In light of this record of success, it would make little sense to adopt unnecessary and onerous requirements that plainly would harm many more customers than they would help.

The Commission indicates that it is “cognizant that [it] must balance the benefits of the proposals in this Notice against the burden they may place on legitimate carrier changes and third-party charges.”³ For the reasons set forth herein, however, it is clear that those proposals fail to achieve this balance and undoubtedly would fail any sort of cost-benefit analysis.⁴ In particular:

- (1) A default carrier freeze would elongate the number porting process and undermine the Commission’s commitment to “remain vigilant in its efforts to improve the effectiveness and efficiency of the porting process as technological and market developments demand.”⁵ A default freeze also would cause customer confusion, create an opportunity for the losing provider to engage in retention marketing practices, frustrate the FCC’s broadband policies, place greater pressure on scarce numbering resources, and impose excessive costs on providers.
- (2) Similarly, requiring an executing provider to verify a porting request prior to executing it would delay number ports and introduce the same array of public interest harms as a default freeze.
- (3) Imposing additional verification obligations would increase costs without any corresponding benefit, especially since the existing rules, as well as

³ *Id.* ¶ 10.

⁴ As Chairman Pai noted in establishing the FCC’s Office of Economics and Data, this cost-benefit analysis must be meaningfully undertaken to prevent the “public interest standard [from] becom[ing] a free pass to adopt rules.” *The Importance of Economic Analysis at the FCC*, Remarks of FCC Chairman Ajit Pai at the Hudson Institute, at 3 (Apr. 5, 2017), https://apps.fcc.gov/edocs_public/attachmatch/DOC-344248A1.pdf; *see also id.* at 4 (“Outside of major rules, the FCC performs cost-benefit analysis of proposed rules occasionally, not systematically.”); *id.* (“serious cost-benefit analysis is a bipartisan tradition”).

⁵ *Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability*, Report and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd 6084, ¶ 19 (2009) (“LNP Order”).

robust digital authorization systems utilized by some providers, already adequately ensure that carrier changes are verified.

Put simply, the Commission's proposals would not fulfill either of its objectives, doing little to "strengthen" its already-effective rules as part of its effort "to address the evolving practices of bad actors with respect to slamming" while actually "impeding competition [and] impairing the ability of consumers to switch providers."⁶ Instead, the Commission would be far better served by vigilantly enforcing its existing safeguards against slamming, which have proven to be incredibly effective in reducing the frequency of unauthorized carrier changes.

II. A MANDATORY DEFAULT PREFERRED CARRIER FREEZE IS UNNECESSARY AND WOULD UNDERMINE NUMEROUS COMMISSION PUBLIC INTEREST GOALS

Local exchange service providers today have the discretion to offer their customers the option of "freezing" their choice of local and long-distance wireline service provider. The Commission now seeks comment on establishing a regulatory *mandate* in this area by "making freezes the default" for "all telephone services a consumer has."⁷ As we show below, the Commission's own statistics regarding slamming demonstrate that a default preferred carrier freeze is unnecessary. Moreover, while the Notice characterizes this proposal as giving "consumers more control to prevent slamming,"⁸ a default freeze actually would harm consumers by delaying number ports, limiting their ability to subscribe to the broadband services they need, and facilitating number exhaust. A default freeze also would impose unwarranted costs on service providers. Simply

⁶ NPRM ¶ 10; *see also id.* ¶ 2.

⁷ *Id.* ¶ 14.

⁸ *Id.*

stated, the economic and other costs that this proposal would impose on both consumers and service providers far outweigh any asserted benefits of a mandatory freeze.

A. Additional Consumer Protections Against Slamming Are Unwarranted

To borrow a phrase used by Chairman Pai in another proceeding, the proposed default freeze represents “a solution in search of a problem.”⁹ Since the Commission implemented its slamming rules, complaints of unauthorized carrier changes have decreased dramatically. In 1998, for example, the Common Carrier Bureau “processed 20,154 complaints” involving slamming alone.¹⁰ By contrast, the information available in the Commission’s Consumer Complaint Data Center indicates that only approximately 400 slamming-related complaints were received in 2015 and 2016.¹¹

This means that the total number of slamming complaints received in each of the two most recent years represents approximately *two percent* of the slamming complaint volume received in 1998. In other words, the volume of 1998 slamming complaints was *fifty times* higher than they have been recently. Further, the total number of slamming complaints represents an infinitesimal percentage of the millions upon millions of number ports that were executed during that period.

⁹ Dissenting Statement of Commissioner Ajit Pai, *Protecting and Promoting the Open Internet*, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, 5934 (2015).

¹⁰ See *Truth-in-Billing and Billing Format*, First Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 7492, ¶ 3 n.4 (1999).

¹¹ FCC, Consumer Complaint Data Center, <https://www.fcc.gov/consumer-help-center-data> (indicating that 414 complaints were categorized as slamming-related in 2015, while only 395 were categorized as slamming-related in 2016).

Even looking at the Commission’s statistic, the drastic reduction in slamming complaints is evident. In particular, for the *two-year* period ending at the close of calendar year 2016, the Commission indicated in the Notice that it “received almost 8,000 slamming and cramming complaints.”¹² The Commission has suggested that the numbers it cites for the 2015-2016 calendar year period may “understate the [slamming] problem.”¹³ Even if that were true, the fact remains that the number of slamming complaints the Commission received in one year in 1998 is more than twice the total number of slamming *and* cramming complaints the agency reported for the two-year period of 2015 and 2016. Moreover, the information available in the Commission’s Consumer Complaint Data Center indicates that only around 800 of these approximately 8,000 total complaints were related to slamming.¹⁴ These data suggest that the Commission’s existing safeguards against slamming have effectively addressed the abuses that were so prevalent twenty years ago.

Additional safeguards are particularly unwarranted with respect to VoIP offerings. Comcast fully agrees with the Commission’s observation that a “default freeze does not make sense” for consumers purchasing interconnected VoIP.¹⁵ These VoIP offerings

¹² NPRM ¶ 5.

¹³ *Id.* ¶ 5 n.14. The 2015-16 numbers also could be overstated. For example, the vast majority of purported “slamming” complaints that Comcast has received eventually were determined not to involve unauthorized carrier changes.

¹⁴ FCC, Consumer Complaint Data Center, <https://www.fcc.gov/consumer-help-center-data>. The Commission does not cite a source for its statement that there were “almost 8,000 slamming and cramming complaints” in 2015 and 2016. There are 7,856 complaints that were categorized as either slamming or cramming in the Commission’s Consumer Complaint Data Center, however, which could be characterized as “almost 8,000.”

¹⁵ NPRM ¶ 14.

typically are all-distance services, which consist of flat-rated, integrated local and long-distance calling plans. As the Commission implies, it is difficult for such all-distance providers to slam a consumer.¹⁶

Furthermore, because VoIP service relies on specialized customer equipment, Comcast is unable to change and provision a consumer's local service without a site visit or a self-installation by the customer. Because Comcast does not offer interstate or international service as a standalone offering, provisioning all of Comcast's voice plans requires one of these affirmative steps, rendering it very unlikely that Comcast could "slam" a customer. As a result, it is unsurprising that Comcast (and presumably other VoIP providers) rarely receive "slamming" (or any other number porting-related) complaints and that even these allegations frequently turn out not to involve any unauthorized service provider change.¹⁷

B. A Default Freeze Would Prevent Consumers from Quickly and Efficiently Changing Service Providers and Undermine Other Commission Policies

A default carrier freeze would undermine numerous Commission public policy goals, and the social and economic costs of the requirement clearly would outweigh any perceived benefits. Most importantly, a default freeze would needlessly burden

¹⁶ The Commission ten years ago also observed that competition in the broader voice marketplace, including the offerings of traditional TDM-based incumbent LECs, had largely moved away from a standalone long-distance model to "competition between service bundles that include both local exchange and long distance service or 'any distance' minutes that can be used for both local exchange and long distance calling." *Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements, et al.*, Report and Order, 22 FCC Rcd 16440, ¶ 121 (2007).

¹⁷ See *supra* at note 13.

consumers.¹⁸ As the Commission previously concluded, “preferred carrier freezes by their very nature impose additional burdens on subscribers.”¹⁹

For example, a default freeze necessarily would prolong the number porting process and constrain consumers’ ability to quickly and efficiently change providers. Instead of the simple process that is followed today to port a number, consumers would first need to investigate the steps required to have a freeze lifted and then execute those steps in order to complete the port (e.g., by placing a three-way call with the current and new service providers). This result is clearly inconsistent with the Commission’s desire to foster competition among voice service providers by facilitating efficient number porting practices.²⁰ The Commission has worked actively over the years to shorten the number porting process, finding that doing so is “necessary to enable customers to port their numbers in a timely fashion and to enhance competition.”²¹ Indeed, the Commission has expressly noted that “[d]elays in porting cost consumers time and money and limit consumer choice and competition because when consumers get

¹⁸ NPRM ¶ 15 (noting that the Commission does not wish to “unduly burden[] consumers who may want to opt out of a freeze”); *id.* ¶ 10 (noting that the Commission does not want its proposals to increase the “burden . . . on legitimate carrier changes”).

¹⁹ *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers’ Long Distance Carriers*, Second Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 1508, ¶ 100 (1998) (“1998 Order”); *see also* *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers’ Long Distance Carriers*, Fourth Report and Order, 23 FCC Rcd 493, ¶ 11 (2008).

²⁰ Comcast further notes that the Communications Act of 1934, as amended, defines number portability as the ability to retain numbers “without impairment of quality, reliability, or *convenience* when switching” providers. 47 U.S.C. § 153(37) (emphasis added). A default freeze would contravene this provision.

²¹ *See, e.g.*, LNP Order ¶ 8.

frustrated with slow porting, they often abandon efforts to switch providers.”²² As a result, efficient number porting facilitates the “successful entry of new service providers,” thus “foster[ing] the development of new services and creat[ing] incentives for carriers to lower prices and costs.”²³

A default freeze also would give losing providers opportunities to discourage consumers from switching providers by engaging “in conduct that would blur the distinction between its role as a neutral executing carrier and its objectives as a marketplace competitor.”²⁴ The Commission indicated in the Notice that it wished to avoid this exact scenario, noting that it did not want to “giv[e] executing carriers who may be losing the customer an opportunity to behave anticompetitively.”²⁵

Moreover, such efforts would only exacerbate the customer confusion that inevitably would result from a default freeze as customers try to figure out the method for lifting the freeze and which of their many personal identification numbers (“PINs”) is needed to do so. For example, a customer could have separate PINs for the release of customer proprietary network information and the preferred carrier freeze, as well as an account number and user identification. Given that customers do not routinely use these various numbers and codes, many individuals will have to try to verify their identity or

²² *Id.* ¶ 6.

²³ *Telephone Number Portability*, First Memorandum Opinion and Order on Reconsideration, 12 FCC Rcd 7236, ¶ 135 (1997).

²⁴ 1998 Order ¶ 106; *see also, e.g., Bright House Networks, LLC, et al. v. Verizon California, Inc., et al.*, Memorandum Opinion and Order, 23 FCC Rcd 10704 (2008); *aff’d sub nom. Verizon California, Inc., et al. v. FCC, et al.*, 555 F.3d 270 (D.C. Cir. 2009).

²⁵ NPRM ¶ 15.

recover a lost PIN to lift the preferred carrier freeze. These steps would serve only to prolong the delay in porting a number.

In addition, a default freeze could harm consumers further by undermining the Commission's broadband policies. NCTA correctly noted that, "[w]ith the increasing prevalence of bundled packages that include voice and broadband, the ability to switch providers is critical to enabling customers to select the speed and price of broadband that best meet their needs."²⁶ As a result, "unduly constraining the ability to switch carriers could have the result of locking consumers into packages that do not meet their broadband needs."²⁷ Given these realities, the Commission previously and correctly found that the "imposition of a preferred carrier freeze must be authorized by the consumer to minimize any anticompetitive effects and to maintain flexibility for the consumer."²⁸

A default freeze also would needlessly increase the pressure on limited numbering resources. In order to permit a consumer to begin using his or her new voice service without delay and enable the timely installation of bundled services such as broadband and video, the consumer's new provider would have an incentive to assign a new North American Numbering Plan ("NANP") number to the consumer while the port of the old number is still in process because of the delay caused by the freeze. This result would

²⁶ Letter from Steven F. Morris, NCTA – The Internet & Television Association, to Marlene H. Dortch, FCC Secretary, CG Docket No. 17-169, at 1-2 (July 7, 2017).

²⁷ *Id.*

²⁸ 1998 Order ¶ 101.

run counter to the Commission’s policy goal of “implementing requirements to counteract number exhaust and ensure continuance of efficient number utilization.”²⁹

Finally, implementing a preferred carrier default freeze would be incredibly costly for providers. For example, Comcast estimates that the costs it would incur to implement and administer such a freeze would run into the millions of dollars annually. These expenses include, among others, the costs of educating new (and potentially existing) voice subscribers about the default freeze and how to remove it, removing a freeze, developing and maintaining the back-office systems needed to implement a default freeze, developing employee training materials, and conducting employee training sessions. Especially in view of the sharp reduction in the number of complaints the Commission receives regarding slamming and the substantial customer harms that would be caused by a default freeze, these significant service provider cost increases are plainly not justifiable.³⁰

Accordingly, the Commission should not mandate a default preferred carrier freeze. Instead, the Commission should leave the current rule in place that affords consumers the option choosing such a freeze if they so desire. The Commission also can safeguard against any specific concerns by continuing the vigorous enforcement of its

²⁹ *Numbering Policies for Modern Communications, et al.*, Report and Order, 30 FCC Rcd 6839, ¶ 22 (2015); *see also, e.g., id.* ¶ 27 (“Commission rules and industry practice ensure and facilitate effective administration of the NANP and prevent number exhaust.”).

³⁰ Nor would such significant provider costs be offset by the “cost savings for consumers and carriers in avoiding the expense and inconvenience of restoring service with their original carrier after a slam and seeking a refund for the unauthorized charges.” NPRM ¶ 16.

effective existing protections against slamming, such as by imposing heavy penalties on the limited number of bad actors that continue to engage in this practice.

III. REQUIRING THE EXECUTING PROVIDER TO REVERIFY A PORTING REQUEST WOULD SIMILARLY AND NEEDLESSLY DELAY NUMBER PORTS AND HARM CONSUMERS

The Commission seeks comment on whether to “require the executing carrier to confirm or ‘double-check’ whether the consumer wants to switch providers before making the change.”³¹ The Notice describes this proposal as a potentially “strong anti-slamming safeguard.”³² Implementing this requirement, however, would hamper competition among voice service providers, contrary to long-standing Commission policies designed to enhance competition, by: (1) indefinitely delaying number ports that today are completed expeditiously,³³ leading to consumer confusion and frustration; and (2) imposing substantial costs on both carriers and consumers – costs that are particularly unwarranted given the sharp downward trend in the volume of slamming complaints, as described above in Section II.

With respect to delay, it is notable that in a prior Order adopting anti-slamming rules, the Commission explicitly mentioned porting-out providers’ obligation to “ensure that subscribers’ carrier changes are executed as soon and as accurately as possible . . .

³¹ *Id.* ¶ 22.

³² *Id.*

³³ *See* 47 C.F.R. § 52.35(a) (requiring providers to complete simple wireline-to-wireline and intermodal ports within one business day unless a longer period is requested by the new provider or by the customer); 47 C.F.R. § 52.35(d) (requiring non-simple wireline-to-wireline and intermodal ports to be completed within four business days unless a longer period is requested by the new provider or by the customer). As noted above, these porting intervals were implemented to promote competition. *See* discussion *supra* at 7-8.

without any unreasonable delay.”³⁴ Further, while acknowledging that “verification by executing carriers . . . *could* help to deter slamming,” the Commission ultimately found that this additional step could “have anticompetitive effects.”³⁵ In particular, the Commission expressed its concern that “executing carriers would have both the incentive and ability to delay or deny carrier changes, using verification as an excuse, in order to benefit themselves or their affiliates.”³⁶

Those concerns remain justified today. If the proposed requirement were adopted, an executing carrier would continue to have an incentive to impede a consumer’s ability to switch providers quickly. Moreover, the reverification would have to be conducted using whatever authorized method the consumer gave the executing carrier for contacting him or her. This method often is not as quick as a text message, introducing further delay to the number porting process. As noted, the executing provider has no incentive to attempt in earnest to reach its customer quickly. In addition, a customer may not be interested in receiving calls from the losing provider and, thus, may ignore a phone call or e-mail from this provider, failing to understand that doing so will delay the requested port indefinitely. The inevitable result will be increased customer confusion and frustration, as consumers would be left wondering why their new service has not yet been activated while the reverification is being carried out. To the extent the executing carrier actually does reach out to the customer in a timely fashion, it

³⁴ 1998 Order ¶ 98.

³⁵ *Id.* ¶ 99 (emphasis added).

³⁶ *Id.*

could engage in retention marketing to “attempt to retain [its] customers,”³⁷ and neither the porting-in service provider nor the Commission would have any way to police this behavior effectively.

In addition, permitting executing carriers to “double-check” whether consumers want to switch providers would introduce the same host of policy concerns as a default preferred carrier freeze, which are described above.³⁸ As the Commission previously recognized, a reverification requirement “could serve as a *de facto* preferred carrier freeze, even in situations in which the subscriber has not requested such a freeze.”³⁹ Accordingly, the Commission’s porting reverification proposal could undermine broadband adoption and fuel number exhaustion.⁴⁰

The Commission also previously concluded that requiring a second verification “would be expensive, unnecessary, and duplicative of the submitting carrier’s verification”⁴¹ as well as “take away control from the consumer.”⁴² Nothing would protect competing carriers or consumers from these negative effects if the Commission reversed course today. Such negative effects are particularly unwarranted given the substantial reduction in slamming complaints, particularly with respect to VoIP

³⁷ *Id.* ¶ 132

³⁸ *See* discussion *supra* at 6-11.

³⁹ 1998 Order ¶ 100.

⁴⁰ *See* discussion *supra* at 9-10.

⁴¹ 1998 Order ¶ 98.

⁴² *Id.* ¶ 100 (noting that these harms would result even in circumstances that “would not result in undue delay or denial of a carrier change”).

providers, as described in Section II above.⁴³ As a result, the Commission should not permit, much less require, executing carriers to confirm or “double-check” whether consumers want to switch providers before effectuating a number port.

IV. A SERVICE PROVIDER’S IMPLEMENTATION OF A ROBUST CUSTOMER AUTHORIZATION SYSTEM SHOULD OBVIATE THE NEED FOR ADDITIONAL VERIFICATION REQUIREMENTS

The Commission’s verification rules rightly prohibit service providers from submitting or executing carrier changes without receiving authorization from the customer and verification of that authorization.⁴⁴ The Commission currently gives service providers several options for obtaining the required verification, including the use of third-party verifications (“TPVs”).⁴⁵ In the Notice, the Commission seeks comment on a number of measures that would limit “legitimate providers’ sales efforts.”⁴⁶ For example, the Commission asks whether it should eliminate TPVs, require carriers that rely on TPVs to “record the entire sales call that precedes a switch,” or implement other measures to “ensure the validity of the TPV.”⁴⁷

As explained above, given the dearth of complaints, the Commission simply has no reasonable basis for adopting more onerous slamming safeguards. Rather, if the Commission decides to move forward with this aspect of the proceeding, it can and should use this opportunity to update its customer verification rules to account for the

⁴³ See discussion *supra* at 4-6.

⁴⁴ 47 C.F.R. § 64.1120.

⁴⁵ *Id.*

⁴⁶ NPRM ¶ 33.

⁴⁷ *Id.* ¶¶ 30, 33-35.

evolving nature of technology in this area and afford providers the flexibility to use modern digital consent systems to verify their customers' purchase decisions.

Comcast recently deployed a robust order approval system that relies heavily on digital technology.⁴⁸ This system is being used to obtain affirmative informed consumer consent for the purchase of any product, service, or piece of equipment by residential customers.⁴⁹ The system is being utilized in all of Comcast's sales channels and across all of Comcast's residential voice, video, and data businesses. Under this system:

- Consumers who purchase a service or product electronically via Comcast's online platform view a screen that provides an itemized purchase order list, as well as pricing and other relevant information. To approve the transaction, the consumer clicks on a digital checkbox agreeing to the purchase prior to submitting the order. Comcast retains an electronic record of the underlying metadata, including the affirmative "click."
- Consumers who purchase a service or product in person, whether at a retail store or through a direct, door-to-door sale, may be presented with a similar electronic itemized purchase order list on the sales agent's tablet, which the customer affirmatively agrees to by providing a digital signature. If the sales agent does not have a tablet, then Comcast sends the customer a text message or email with a link to a page with the detailed itemized list of the products and services being ordered and their prices, which the customer can approve by pressing an "Agree" button. Again, Comcast retains the details of the customer's approved order and any electronic signature approving the order in a digital file.
- Consumers who purchase a service or product over the telephone are similarly sent a text message or email by Comcast with a link to the detailed order itemization and approval page. As noted above, the customer can click an "Agree" button, and Comcast retains the details of the approved order in a digital file. If the customer is unable to receive those electronic communications, then the agent will read to the customer a custom script describing in detail the products and services, along with their prices, that the customer is ordering. After hearing the details of the order, the customer can approve the order by pressing

⁴⁸ This system was, in part, implemented in response to a Consent Decree. *Comcast Corporation*, Order and Consent Decree, 31 FCC Rcd 11431, at Consent Decree ¶ 15 (2016).

⁴⁹ Thus, Comcast's new system provides safeguards against the risks of both slamming and cramming.

“1” on the telephone touchpad. In this instance, the agent’s script, containing the details of the products and services approved, is stored in a digital file. Where approval is obtained using the telephone touchpad, Comcast also records the entire telephone call and preserves the call recording.

Irrespective of the precise nature of the transaction, Comcast also provides each customer with a written e-mail confirmation of the details of his or her order following the purchase. This written confirmation includes the same itemized list of products and services, along with prices, the length of any promotion, as well as a toll-free telephone number and link the consumer can use to contact a Comcast service representative with any questions. Comcast digitally stores a copy of this e-mail confirmation. In the case of a customer acquiring Comcast’s voice service and porting a telephone number, the customer must also complete one of the carrier change methods permitted by the Commission’s current rules.

This type of system undoubtedly satisfies the underlying purposes of the slamming verification rules, because it is clearly designed to prevent “deceptive and misleading marketing practices” and to provide “an informative and useful consumer protection mechanism.”⁵⁰ The Commission thus should structure any revised verification requirements to permit providers to use multiple methods of confirming orders so long as: (1) the information provided to the customer is accurate and non-misleading; (2) customers are provided with information in a clear format that plainly presents all service providers, services, and charges in question; and (3) a record of the information is provided to the customer and the customer’s assent is retained for a reasonable period of time.

⁵⁰ *Policies and Rules Concerning Unauthorized Changes of Consumers’ Long Distance Carriers*, Report and Order, 10 FCC Rcd 9560, ¶ 9 (1995).

The need for flexibility is particularly important to the extent the Commission extends verification requirements to new types of providers, such as VoIP providers. As noted above, VoIP providers such as Comcast receive very few slamming complaints. Indeed, the Commission diligently has monitored the development and growth of the VoIP marketplace, repeatedly and correctly finding that there simply is no reason to burden VoIP providers with slamming (or cramming) regulations.⁵¹ Comcast strongly supports this conclusion. Should the Commission alter that well-founded determination, it would make no sense to require a provider that already has implemented an effective modernized system for obtaining affirmative consumer consent to expend additional resources to comply with duplicative and likely outdated verification requirements.

V. CONCLUSION

For the foregoing reasons, the Commission should recognize that its existing slamming protections have proven effective. As a result, the Commission should reject the well-meaning, but undoubtedly unnecessary and harmful, suggestions to impose a default preferred carrier freeze, require the executing provider to verify a porting request,

⁵¹ See, e.g., *IP-Enabled Services*, Notice of Proposed Rulemaking, 19 FCC Rcd 4863, ¶ 72 (2004); *Consumer Information and Disclosure, et al.*, Notice of Inquiry, 24 FCC Rcd 11380, ¶¶ 17-19 (2009); *Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (“Cramming”)*, et al., Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 4436, ¶¶ 47, 146 (2012).

or implement burdensome verification obligations. Rather, the Commission should continue the vigilant enforcement of its existing safeguards against slamming, which have significantly reduced the frequency of such incidents.

Respectfully submitted,

/s/ Kathryn A. Zachem

Kathryn A. Zachem

Beth A. Choroser

Regulatory Affairs

A. Richard Metzger, Jr.

Emily J. H. Daniels

LAWLER, METZGER, KEENEY & LOGAN, LLC

1717 K Street NW, Suite 1075

Washington, DC 20006

Attorneys for Comcast Corporation

Brian A. Rankin

Andrew D. Fisher

Legal Regulatory Affairs

COMCAST CORPORATION

300 New Jersey Avenue NW, Suite 700

Washington, DC 20001

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