

## **EXHIBIT 6**

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

December 30, 1994

Peter H. Jacoby, Esquire  
AT&T  
Room 3245F3  
295 North Maple Avenue  
Basking Ridge, New Jersey 07920

Re: Freedom of Information Act Request  
Control No. 94-400

Dear Mr. Jacoby:

This is in response to your Freedom of Information Act (FOIA) request, dated December 9, 1994, as corrected December 14, 1994, and modified December 22, 1994.<sup>1</sup> Your request is the second of two FOIA actions submitted by you in connection with the Commission's decision in its Notice of Proposed Rulemaking (NPRM) in CC Docket No. 94-129, Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, FCC 94-292 (November 10, 1994).<sup>2</sup>

In your second request, you asked the Commission to provide documents which identify each of the complaints filed with the Commission which served as the basis for a number of statements or descriptions contained in the NPRM regarding incidents of unauthorized interexchange carrier conversions or "slamming." As reflected in your December 22, 1994, letter, you have since limited your request to: "(a) identification of the relative frequency of complaints of slamming through telemarketing and written solicitations, and (b) identification of specific complaints of slamming through combined check/LOAs." This action is conditioned, however, on an explanation from the staff regarding its inability to repond to the request as originally framed.

As was indicated to you during your recent telephone discussion with Enforcement Division staff, the references to informal complaints in the NPRM identified in your December 9 letter were based on the staff's review of numerous informal

---

<sup>1</sup> As reflected in your December 22, 1994, letter, you modified your request following telephone discussions with a member of the Enforcement Division regarding the specific information described in your original request.

<sup>2</sup> See Letter From Gregory A. Weiss to Peter H. Jacoby, Freedom of Information Act Request Control No. 94-376, dated December 7, 1994.

complaints on file in the Informal Complaints and Public Inquiries Branch as well as discussions with carrier analysts in that Branch about slamming complaints in general. No memoranda or other documents describing or discussing the staff's review of such complaints were prepared, nor did the staff prepare memoranda or other documents recording discussions with the carrier analysts.

As stated in my December 7, 1994, response to your first FOIA request, computer records maintained by the Informal Complaints and Public Inquiries Branch record over 4,000 informal complaints concerning possible incidents of slamming. Given the nature of the this database and the Branch's filing system, we estimate that fees in the thousands of dollars for search, review and duplicating would be incurred if all complaints that might be encompassed by your request, as originally framed, were to be identified and produced. In the interest of providing information responsive to your request in the shortest possible timeframe, we segregated a sample of approximately 430 informal complaints that involve alleged incidents of slamming. As outlined in an attachment to this letter, the number of complaints responsive to each of the requests set forth in your December 9, 1994, letter have been identified. We trust that you will find the information in the attachment responsive to your request for an identification of the relative frequency of complaints about alleged slamming through telemarketing and written solicitations, combined check\LOAs and other categories identified in your request.

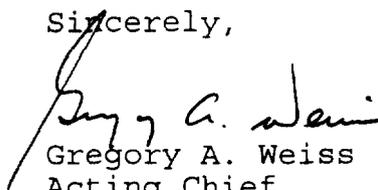
For your future reference, informal complaint files are routinely available for public inspection without recourse to the Freedom of Information Act. Arrangements to inspect the complaints identified in the attachment may be made by contacting Jocelyn Frye of the Enforcement Division, who will in turn refer you to the appropriate Informal Complaints Branch staff member.<sup>3</sup> You may contact Ms. Frye at (202) 418-0960. The documents are also available through International Transcription Services (ITS), a private research and duplicating company. ITS charges \$15.00 per hour for research services and seven cents per page for duplication. ITS is located at 2100 M Street, N.W., Suite 140, Washington, D.C. 20037; telephone number (202) 857-3800. Although the Commission can be requested to duplicate these records, because of limited staff and resources, typically, such services are more expeditiously performed by ITS. The Commission's duplication charges are 17 cents per page. 47 C.F.R. § 0.465(c)(2).

---

<sup>3</sup> Requests involving a large number of individual complaint files may require additional search time.

We hope the foregoing information will be of assistance to you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gregory A. Weiss". The signature is written in dark ink and is positioned above the typed name.

Gregory A. Weiss  
Acting Chief  
Enforcement Division  
Common Carrier Bureau

ATTACHMENT

The following list was prepared in response to AT&T Corp.'s Freedom of Information Request Control No. 94-400. The list identifies, by category and frequency, informal complaints examined by Enforcement Division staff from a sample of approximately 430 complaints concerning alleged incidents of "slamming" or deceptive and misleading letters of authorization used to effect long distance carrier conversions. The sum total of the categories listed will exceed 430 since some individual complaints involve multiple allegations that fall into more than one category.

<u>REQUEST</u>	<u>NO. OF COMPLAINTS</u>
Req. #1: N/A per AT&T's 12/22/94 letter	-
Req. #2 Conversions resulting from telemarketing	103
Req. #3 Potentially misleading or confusing LOAs	250
Req. #4 "Disguised" LOAs	251
(Contest Entry Forms/Prize Claims)	(155)
(Charitable Solicitations)	(118)
(Checks)	(47)
Req. #5 Negative Option LOA forms	152
Req. #6 LOA combined with contest entry	155
Req. #7 LOA with contest entry <u>and</u> charitable solicitation	69
Req. #8 & Req. #9 Appear to seek the same documents and/or documents identified in response to other itemized requests	
Req. #10 Foreign Language LOAs	2
Req. #11 Changes resulting from 800	4