



Publisher of Consumer Reports

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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: WC Docket No. 02-147

Dear Ms. Dortch:

Consumers Union strongly opposes the efforts of AT&T and Lucent in this docket to preempt state consumer protection laws in connection with the leasing of CPE following the Commission's detariffing of such equipment over 15 years ago.

The *Sparks* complaint alleges that, following deregulation, AT&T and Lucent (as its successor) sought to prevent their "embedded base" of CPE leasing customers from understanding and exercising their rights to purchase CPE at far less expense. We express no opinion here as to whether any of these claims is meritorious under state law. However, the immunity from those claims that AT&T and Lucent now seek from the Commission has no support in either the language or the purpose of the Commission's CPE decisions. It would be a matter of serious concern to consumers, given the important role state law has traditionally played in protecting them from fraudulent and deceptive practices.

Such immunity would also be flatly inconsistent with the Commission's own repeated assurances, when deregulating communications products and services, that consumers will be able "to take advantage of remedies provided by state consumer protection laws and contract law against abusive practices." *Policy and Rules Concerning the Interstate, Interexchange Marketplace*, 11 FCC Rcd 20730, 20733 (1996). To permit telecommunications providers to escape from the normal rules of the marketplace -- including the need for adequate disclosure to permit consumers to make informed choices -- would be the antithesis of any rational theory of deregulation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Murray". The signature is fluid and cursive, written over a white background.

Chris Murray