

MOTION TO INTERVENE

Mr. Rodriguez is a consumer of residential telephone services that has worked several times with the Commission's existing informal complaint process. Given both Mr. Rodriguez's role as a consumer and as a user of the current system, Mr. Rodriguez clearly has an interest in this proceeding and submits that he will be directly affected by the outcome of this proceeding.

COMMENTS

Mr. Rodriguez has been disturbed by the process currently in place at the Federal Communications Commission with regard to the processing of Consumer Complaints. As such, Mr. Rodriguez would like to offer the following comments to the Commission in hopes they will be considered during the deliberation and discussion of the referenced proceeding.

The Informal Process is Not Acceptable. Currently, consumers wishing to request resolution of grievances with the assistance of the Commission are directed to complete a complaint form that indicates the nature of their grievance. This form is labeled only as a "complaint," and no reference is given to its diminutive stature as an "informal" complaint. Further, these informal complaints serve no substantive purpose, as they do not bear the full weight of the interest of the Commission. The Commission should offer consumers a simple and streamlined way to file a formal complaint that recognizes the seriousness of a consumer concern. To not do so trivializes the role of the consumers that the Commission is charged with protecting.

The Current Process is Not Given Close Oversight or Sufficient Attention.

Having utilized the Informal Process numerous times, Mr. Rodriguez has recognized that the process is given little attention with regard to examination or exploration of the facts. In numerous cases, Mr. Rodriguez has alleged certain behaviors with regard to the actions of a common carrier. The common carrier typically provides a written response to both the Commission and the complainant, which may or may not address the concerns expressed in the original complaint. Regardless of the content of the response, the complainant then receives notification that the complaint has been resolved and the matter closed by the Commission.

This is clearly unacceptable. As an example, Mr. Rodriguez recently filed a complaint¹ with regard to a receivable held with the Sprint Communications Corporation (Sprint). In this complaint, Mr. Rodriguez alleged that Sprint had refused to issue Mr. Rodriguez \$22.27 in overpayments upon termination of the service contract between the two parties. Sprint's response indicated that they acknowledged the debt, and that their refund procedures should have resulted in payment several months prior to the receipt of the complaint. No promise to issue the funds was made, nor any excuse for why the funds had not been released provided.

Despite this clear lack of any valid response to the complaint, the Commission elected to consider this matter closed. Mr. Rodriguez has formally requested the matter be reopened, as well as filed a new complaint,

¹ IC #03-W7429311

but to date, no response has been made. Sprint continues to owe this money to Mr. Rodriguez, and to date has held these funds in violation of contract for nearly four months. It appears that the only way this could occur is if the Commission either directly ignores the information they receive through the complaint process or does not provide enough supervision to those agents of the commission charged with administering the complaint process.

The Current Process Does Not Involve the Complainant Beyond the Initial Complaint Filing. In the complaint described previously², Mr. Rodriguez provided written comments to both the Commission and Sprint regarding their response to the complaint. However, neither Sprint nor the Commission have given any indication that those comments have been received and or considered. Further, the Commission's election to close the matter would seem to indicate that no such consideration by the Commission is forthcoming.

CONCLUSION

Mr. Rodriguez believes that the Commission has a unique opportunity to give the consumer direct access to redress of grievances. The current process is currently broken and does not function as anything other than a symbol to the public; consumers actually seeking resolution are likely to be sorely disappointed by the actual function of the system. Mr. Rodriguez encourages the Commission to consider his comments carefully when designing any solution to provide a Uniform Complaint Process to the constituency of the Commission.

² Ibid.

WHEREFORE, Andrew J. Rodriguez respectfully requests that the Commission grant this motion, consider these comments, and permit him to participate as party to the proceedings in this docket and any docket that may be consolidated with it.

Respectfully Submitted,

Andrew Rodriguez

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