

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
National Association of State Utility Consumer) CG Docket No. 04-208
Advocates Petition for Declaratory Ruling)
Regarding Truth-in-Billing and Billing Format)

To: The Commission

**REPLY COMMENTS OF THE
RURAL TELECOMMUNICATIONS GROUP, INC.**

The Rural Telecommunications Group, Inc. (“RTG”),¹ by its attorneys, hereby submits reply comments in response to the comments submitted by various parties pursuant to the Federal Communications Commission’s (“FCC” or “Commission”) Public Notice seeking comment on the above-referenced petition (“Petition”) filed by the National Association of State Utility Consumer Advocates (“NASUCA”).²

¹ RTG is a Section 501(c)(6) trade association dedicated to promoting wireless opportunities for rural telecommunications companies through advocacy and education in a manner that best represents the interests of its membership. RTG’s members have joined together to speed delivery of new, efficient, and innovative telecommunications technologies to the populations of remote and underserved sections of the country. RTG’s members provide wireless telecommunications services, such as cellular telephone service and Personal Communications Services, among others, to their subscribers. RTG’s members are small businesses serving or seeking to serve secondary, tertiary and rural markets. RTG’s members are comprised of both independent wireless carriers and wireless carriers that are affiliated with rural telephone companies.

² National Association of State Utility Consumer Advocates (NASUCA) Petition for Declaratory Ruling Regarding Truth-in-Billing and Billing Format, Public Notice (DA 04-1495), released May 25, 2004.

RTG opposes grant of the Petition. Although styled as a petition for declaratory ruling, NASUCA's Petition is essentially a petition for rulemaking seeking a change in the Commission's current rules and policies. Accordingly, the Petition should be dismissed.

To the extent NASUCA seeks the adoption of new regulatory requirements, it has failed to demonstrate that its proposed rule changes would serve the public interest. NASUCA requests that the Commission prohibit wireless carriers and interexchange carriers from imposing monthly line-item charges, surcharges or other fees on customers' bills, unless such charges have been expressly mandated by a regulatory agency and the line items allowed closely match the regulatory assessment. As noted by commenters such as the Rural Cellular Association ("RCA"), such a regime will serve only to confuse customers, contrary to NASUCA's stated intent, as charges related to regulatory compliance are no longer disclosed, but instead are built into carriers' general rates. With all regulatory compliance costs built into carriers' operating costs, the public will be unable to assess the impact of unfounded regulatory mandates on the rates paid for various telecommunications services.³ Even where such line item charges are ultimately permitted, requiring a regulatory mandate for line-item charges will delay the return of such clarified charges to consumer bills.

³ As the National Telecommunications Cooperative Association ("NTCA") correctly points out, "[m]aking the consumer aware of how unfounded mandates affect the bottom line, of how much cost they add to a monthly bill, permits the consumer to perform his own cost-benefit analysis and decide whether to support the program." NTCA Comments at pp. 3-4.

The billing regime proposed by NASUCA is particularly unwarranted given NASUCA's failure to demonstrate that carriers are failing to provide full and non-misleading billing charges. As RCA and NTCA correctly point out, NASUCA has presented no evidence to the Commission of any instance of actual carrier fraud or of harm having resulted from the listing of line-item charges on a customer's bill. To the extent that such evidence exists, it should be presented in the context of a complaint proceeding examining the reasonableness of the subject carrier's rates under Section 201 of the Communications Act of 1934, as amended.

The FCC's current reliance on the marketplace to regulate the itemization of fees on customer bills is well placed, and NASUCA has provided no basis for overturning the current regulatory order. Should the Commission nonetheless choose to address the issues raised by NASUCA beyond the scope of this proceeding, it should issue a formal Notice of Proposed Rulemaking to ensure that it has a full record on which to base its decisions, and not just the unsubstantiated claims of NASUCA.⁴

Respectfully submitted,

**RURAL TELECOMMUNICATIONS
GROUP, INC.**

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⁴ As noted by NTCA, the NPRM must also contain an Initial Regulatory Flexibility Analysis in compliance with the Regulatory Flexibility Act. NTCA Comments at pp. 6-7 (citing 5 U.S.C. § 603).

(202) 371-1500

Dated: August 13, 2004

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