

October 7, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Support for Rules to Protect Consumers from “Bill Shock”

Dear Chairman Genachowski:

Last week, Senator Tom Udall introduced legislation to protect cell phone consumers from excessive overage charges on their cell phone bill by requiring wireless carriers to notify customers via a free e-mail, voice message, or text message when they have used 80 percent of their monthly plan limits. We commend Senator Udall’s leadership on the issue and strongly support his effort to enact clear and enforceable rules to ensure that consumers are sufficiently informed of charges before they open their monthly bill.

Many of the undersigned organizations filed comments in support of similar requirements in the Federal Communications Commission’s Public Notice on “Bill Shock” and Consumer Information and Disclosure requirements for wireless carriers.¹ We commend the Commission for moving forward with a Notice of Proposed Rulemaking (NPRM) on the issue and strongly encourage the Commission to address the following proposals:

- Automatic and free message alerts to consumers notifying them if they have used 80 percent of their plan’s allotted voice minutes, text messages, or data usage;
- Automatic and free message alerts to consumers notifying them once they have exceeded their monthly allotment of voice minutes, text messages or data usage; informing them of the subsequent cost per voice, text, or data unit; and asking them to opt-in to continue using the service on an a la carte basis;
- Automatic and free message alerts of pricing information if a customer roams onto another provider’s network and will incur additional charges and asking them to opt-in to continue using the service; and,
- Clear and prominent disclosure of any overage charges for exceeding a plan’s allotted voice minutes, text messages, data usage and roaming fees in advertisements, at the point of sale and on monthly bills.

We also encourage the Commission to adopt guidelines and protections that wireless carriers must follow for consumers with disabilities, and to adopt rules requiring wireless carriers

¹ See Comments of Center for Media Justice *et al.*, CG Docket 09-158 (filed July 6, 2010).

to make all disclosures in a language other than English whenever the carrier markets to customers in that language.

As the Commission is well aware, “Bill Shock” is a pervasive problem that affects all wireless consumers. The Commission needs to establish clear disclosure rules to protect consumers from unexpectedly high cell phone bills.

Sincerely,
/s/

Sascha Meinrath
Benjamin Lennett
*Open Technology Initiative,
New America Foundation*

Sean McLaughlin
Access Humbolt

Chris Rabb
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Malkia Cyril
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Main Street Project

Andrea Quijada
Media Literacy Project

Matthew Wood
Media Access Project

Betty Yu
*Media Action Grassroots
Network*

Tracy Rosenberg
Media Alliance

DeAnne Cuellar
Media Justice League

Olivia Wein
*National Consumer Law
Center, on behalf of its low-
income clients*

Jessica Gonzalez
*National Hispanic Media
Coalition*

Duke Schempp
People’s Press Project

Kris Rios
People’s Production House

Harold Feld
Public Knowledge

Steven Raineri
Quote...Unquote, Inc.

Jonathan Lawson
Reclaim the Media

Nick Szeburla
Thousand Kites

The Vera Project

Youth Mobilizing Project

Cc: Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Commissioner Meredith Atwell Baker
Joel Gurin, Chief, Consumer and Governmental Affairs Bureau