

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

|   |   |                      |
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| In the Matter of                          | ) |                      |
|   | ) |                      |
| Empowering Consumers to Avoid Bill Shock) | ) | CG Docket No. 10-207 |
|   | ) |                      |
| Consumer Information and Disclosure       | ) | CG Docket No. 09-158 |

**Comments of the Rural Telecommunications Group, Inc.**

The Rural Telecommunications Group, Inc. (“RTG”),<sup>1</sup> by its attorneys, hereby submits its comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking (“NPRM”) in the above-captioned proceedings.<sup>2</sup> RTG opposes the adoption of any requirement that small wireless carriers provide mandatory usage alerts when a customer approaches and reaches monthly limits that will result in overage charges and when a customer is about to incur international or other roaming charges that are not covered by the customer’s monthly plan.

The NPRM focuses on an occurrence that the Commission characterizes as both frequent and problematic – a consumer receiving an invoice from their wireless carrier containing “a

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<sup>1</sup> 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 are small, rural 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.

<sup>2</sup> *Empowering Consumers to Avoid Bill Shock; Consumer Information and Disclosure*, Notice of Proposed Rulemaking, CG Docket No. 10-207, CG Docket No. 09-158 (rel. Oct. 14, 2010) (NPRM); *Empowering Consumers to Avoid Bill Shock; Consumer Information and Disclosure*, Order, CG Docket No. 10-207, CG Docket No. 09-158 (rel. Dec. 17, 2010) (extending comment due date to January 10, 2011).

sudden, unexpected increase” in the monthly mobile bill. In a bit of hyperbole, the Commission dubs this occurrence “bill shock.”<sup>3</sup> While the Commission clearly perceives that “bill shock” is a problem, the NPRM provides little if any evidence that such a problem exists. The NPRM relies primarily on anecdotal evidence based on a small sampling of consumer complaints. The NPRM emphasizes that an FCC survey revealed that 30 million Americans “experienced a sudden increase in their bill.” However, it provided no evidence that such an increase was unwelcome or a problem. Any user should be well aware that a sudden increase in usage will often result in a sudden increase in the amount he or she is expected to pay for such usage. The fact that a charge may be more than anticipated does not by itself justify regulatory action.

The actions proposed by the Commission in the NPRM are simply unwarranted. Requiring carriers (both prepaid and postpaid) to reconfigure their billing systems to provide the frequent notifications proposed in the NPRM will impose substantial costs on all carriers, and have an inordinately harmful impact on smaller carriers. The cost is not necessary to correct a problem that is easily rectified by consumer education. The tools for wireless users to monitor and limit usage already exist. Many wireless carriers offer such tools and notify their subscribers of their availability. For those carriers, including many RTG members, for whom the expense of providing customers with real time on-line access to account information is too great, customers still have the ability to monitor their usage *at any time* by calling their carrier and asking for their usage status. Nonetheless, the Commission concludes that consumers “are often unaware” of the availability of such tools and how to access them. To the extent that existing disclosures have been insufficient to gain consumers’ attention, RTG is not opposed to the FCC’s proposal that

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<sup>3</sup> The dictionary defines “shock” as “a sudden or violent mental or emotional disturbance.” [Http://www.merriam-webster.com/dictionary/shock](http://www.merriam-webster.com/dictionary/shock). RTG is unaware of any record evidence suggesting that consumers experience such a turbulent reaction to receipt of their wireless bill.

mobile providers make clear, conspicuous and ongoing disclosure of any tools they offer which allow subscribers to either limit usage or monitor usage history. However, any mandate that mobile service providers offer consumers the means to set their own usage limits would be overly burdensome for small and rural providers and should not be adopted. Moreover, consumers already have the means to set such limits by purchasing prepaid service from their provider.

RTG opposes the NPRM's proposal that wireless carriers provide a notification message to their customers when they are about to incur international or other roaming charges in excess of their normal rates. Again, there is no need for such a notification. Customers already receive visual notifications when they are about to place a roaming call, and customers already have the ability to determine the rates applicable to any given call. The expense of requiring carriers, and particularly small carriers like RTG members, to reconfigure their systems to notify each roaming customer of the rates and terms of the subscriber's plan as compared to the terms of the applicable roaming agreement *for each call* is substantial and to require that carriers incur such an expense is entirely unjustified. Wireless consumers are well aware that international calls incur different charges. To attempt to protect customers from incurring such charges when all they are fully capable of making an informed decision as to whether to incur them is government paternalism<sup>4</sup> at its worst.

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<sup>4</sup> In the context of its proposed usage notifications, the Commission asks whether consumers should be allowed to opt out if they do not want to receive mandatory usage alerts from their mobile service provider. RTG finds it almost unfathomable that such a question needs to be asked. If an informed consumer actively chooses to disregard what it deems to be excessive information provided by its carrier, why on earth should the consumer not be allowed to opt out of receiving such information? Such a line of reasoning would have computer users unable to disable the myriad of routine warnings that are capable of accompanying virtually any keystroke.

Should the FCC decide to require any of the notifications proposed in the NPRM, it should exempt small carriers (100,000 or fewer subscribers) from any such requirement. Unless the FCC chooses to fund the billing system upgrades that would be necessary to accomplish these notifications, small carriers will incur an unreasonable burden.

For the foregoing reasons, RTG respectfully requests that the Commission act in a manner consistent with the views expressed herein.

Respectfully submitted,

**RURAL TELECOMMUNICATIONS  
GROUP, INC.**

By: \_\_\_\_\_/s/\_\_\_\_\_

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