

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

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

To: The Federal Communications Commission, *en banc*

COMMENTS ON NOTICE OF PROPOSED RULEMAKING

THE AMERICAN ASSOCIATION OF PAGING CARRIERS (AAPC), by its attorney, respectfully submits its comments to the Federal Communications Commission in response to its Notice of Proposed Rulemaking (NPRM) in the captioned proceeding, FCC 10-180, adopted and released October 14, 2010, and published at 75 Fed. Reg. 72773 (November 26, 2010).¹ In summary, AAPC does not take a position on whether the proposed rules are warranted in the public interest in general, but, if they are adopted, they should not in any event be applied to paging carriers.

As its comments on the NPRM, AAPC respectfully states:

In this proceeding, the Commission has proposed rules that would require what it refers to as “mobile service providers” to provide usage alerts and certain other related information to customers to assist them in avoiding unexpected or unexpectedly high charges on their bills. The Commission asserts that many mobile service consumers experience sudden and unexpected increases in their monthly bills due to such factors as high roaming fees, or for exceeding a month-

¹ By Order DA 10-2379 released December 17, 2010, the deadlines for submitting comments and reply comments were extended to and including January 10, 2011 and February 8, 2011, respectively.

ly allotment of voice minutes or text messages included in the customer's rate plan. The Commission further asserts that such "bill shock" can be prevented by providing the customers with timely and easily accessible usage information.

Therefore, it proposes to require service providers to send their customers voice or text alerts when the customer is approaching or beginning to incur overage or roaming charges, and to make clear disclosure of tools available to customers to enable them to limit usage and review usage history. The Commission believes that doing so will empower consumers to avoid incurring unexpected and costly charges on their bills.

AAPC is the national trade association representing the interests of paging carriers throughout the United States. AAPC's members include paging operators with nationwide licenses issued under Parts 22, 24 and 90 of the Commission's rules; a representative cross-section of operators of regional and local paging systems licensed by the Commission; as well as equipment suppliers and other vendors to the carrier industry. Paging carriers are classified as "Commercial Mobile Radio Service" providers under the Commission's rules,² the same official regulatory classification as "wireless telephony" providers, *i.e.*, cellular, broadband personal communications services (PCS) and specialized mobile radio (SMR) telephony carriers.

One of the issues posed by the NPRM for comment is what types of wireless services should be covered by the new rules. (NPRM at ¶26). Specifically, the NPRM inquires whether the rules should be applied to all communications services provided by "mobile wireless providers," including voice, text and data services. (*Id.*). The NPRM does so without defining what is included within the term "mobile wireless providers". The NPRM then goes on to inquire whether the scope of covered entities "should be broader than CMRS providers" (*id.*), thereby

² See 47 C.F.R. §20.9(1), (6), (11).

suggesting that it may intend the term “mobile wireless providers” to at least encompass the entire classification of “CMRS” providers.

Whatever the Commission decides to do about imposing rules to prevent “bill shock” on the mobile telephony segment of wireless service providers, the Commission should not in any event impose any such rules on paging service providers. First, as the Commission is well aware, the consumer market has abandoned the paging industry in favor of mobile telephony during the past decade. As a result, the customers of the paging industry today are large, sophisticated commercial entities that negotiate complex service contracts with paging carriers and do not need “consumer” protection. The entire rationale for the proposed regulations as set forth in the NPRM thus is wholly inapplicable to the paging industry.

Additionally, paging customer charges typically are flat rated monthly charges, rather than the “bucket” of minutes, text messages or data common to mobile telephony that lead to “bill shock” when exceeded by the customer. Thus, paging industry charging practices do not lead to claims of “bill shock” by customers, as they do in the case of mobile telephony carriers.

Finally, underscoring the foregoing facts, there is no suggestion anywhere in the NPRM that paging customers are experiencing “bill shock”. For this reason alone, imposition of “bill shock” regulations on paging carriers would not be justified.

To avoid an unwarranted result, AAPC suggests that the Commission employ the term “covered CMRS” to describe which, if any, CMRS providers are subject to any regulations ultimately adopted in this proceeding. The term is defined at Section 52.21(d) of the rules, 47 C.F.R. §52.21(d), and is used to exclude paging carriers from local number portability requirements. *See* 47 C.F.R. §52.31 (applying long-term database method for number portability to

“covered CMRS providers”). It would be equally serviceable to exclude paging carriers from any “bill shock” regulations adopted in this proceeding.

In short, the asserted justifications in the NPRM for adopting new regulations to avoid “bill shock” do not apply to paging carriers in any respect, and there is no justification for imposing any such regulations on the paging industry. Accordingly, should the Commission decide to adopt new rules to avoid “bill shock” in this proceeding, paging carriers should be explicitly excluded from the scope of such rules.

Respectfully submitted,

AMERICAN ASSOCIATION OF PAGING
CARRIERS

By: s/Kenneth E. Hardman
Kenneth E. Hardman
2154 Wisconsin Avenue, NW, Suite 250
Washington, DC 20007-2280
Telephone: (202) 223-3772
Facsimile: (202) 315-3587
kenhardman@att.net

Its Attorney

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