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February 28, 2011

**Via Electronic Submission**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: CG Docket 09-158, Consumer Information and Disclosure  
CG Docket 10-207, Empowering Consumers to Avoid Bill Shock

Dear Ms. Dortch:

On February 24, 2011, Celia Nogales, Toni Acton, Davida Grant, Jack Zinman, Kimberly Darrin, Mark Kerber, and Kent Wardin of AT&T met with Joel Gurin, Mark Stone, Michael Jacobs, Colleen Heitkamp, Kurt Schroeder, Nancy Stevenson, Lynn Ratnavale, and Rebecca Hirselj of the Consumer and Governmental Affairs Bureau; Christina Clearwater and Joel Taubenblatt of the Wireless Telecommunications Bureau; Matt Warner, Wireline Competition Bureau, Paul La Fontaine, Office of Strategic Planning & Policy Analysis; and Katie Costello, Media Bureau

During the meeting, a number of issues were discussed relating to the Commission's pending proceeding on consumer information and disclosures, including cramming, point of sale information, and ETFs.

We discussed AT&T's wireline anti-cramming measures, which include issuing credits to all customers with cramming complaints ("adjust first"), proactively offering third party bill blocking to any customer who reports a cramming complaint or requests a block, requiring clearinghouses to complete an application and approval process for any new service provider, and collecting and tabulating complaint data monthly for each clearinghouse and service provider. AT&T has achieved substantial reductions in total cramming complaints (72% decrease), escalated complaints (65% decline) and call center volume (50% decline) related to third party billing during calendar year 2010.

AT&T also revised its wireline billing and collection contracts to include additional anti-cramming provisions, including (1) minimum authorization and verification requirements, (2), a double opt-in process for internet transactions, (3) self-help websites for consumer inquiries, (4) a requirement that clearinghouses "actively oversee" service providers, (5) annual audits of clearinghouse performance, and (6) cramming complaint fees and maximum cramming complaint thresholds.

Today, the term “mobile content” includes more than just ringtones and graphics, but also applications which can be purchased directly from carriers (e.g., the AT&T AppCenter) or from original equipment manufacturers, such as RIM’s BlackBerryAppWorld. AT&T enters into contractual arrangements to provide carrier billing for some of these application storefronts, which allows customers the option to choose to pay with a credit/debit card, use an alternative payment arrangement (i.e., PayPal) or choose to have the charge applied to their AT&T bill. AT&T regularly monitors the refund rates for its customer’s purchases from these OEM storefronts. Based on the low number of refunds, it would appear to indicate that the purchase process is not predatory.

AT&T, along with the rest of the industry, worked together to develop the Mobile Marketing Association’s U.S. Consumer Best Practices Guidelines for Cross-Carrier Mobile Content Programs (“MMA Guidelines”) to help protect consumers who choose to purchase third party content services. The MMA Guidelines, together with AT&T’s own Customer Experience Policy, provides for express user authorization prior to the placement of charges for third party content on customer bills. This authorization includes a double-opt in process for customers who purchase premium or subscription-based services. AT&T has established a \$100 monthly spending limit per mobile number and renewable subscriptions apply towards the monthly limit. If wireless customers do not wish to receive third party billing, they can obtain Purchase Blocker at no cost, which enables them to block the purchase of downloadable content. They can also purchase Smart Limit for Wireless, which allows customers to set monetary limits for downloadable purchases for a monthly fee.

Consistent with past filings and presentations in this proceeding, we discussed our ETF policies. In mid-2010, AT&T reduced its ETF for basic phones and texting devices and increased the ETF for customers who purchase more advanced devices (smartphones or netbooks). The ETF for basic phones is \$150, which declines by \$4 each month and the ETF for advanced devices is \$325, which declines by \$10 for each month for the length of the contract. Customers can determine what ETF applies to any device at [att.com/equipmentETF](http://att.com/equipmentETF) or by calling AT&T. AT&T discloses the ETF to customers in the Customer Service Summary, Rate Plan brochures, Terms of Service, and on its website via the AT&TReturns Policy and Early Termination Fee ([www.att.com/returnperiod](http://www.att.com/returnperiod)) link in various locations, including where customers can search and review cell phones and devices, and AT&T’s service plan options. Customers are offered a 30-day return period during which they can cancel service without an ETF.

As discussed in comments filed previously, AT&T offers its customers a number of services that they can use at any time free of charge to view their voice and data usage. These services include:

- \*Services - allows customers to use their wireless phone to check remaining minutes, messaging and data usage, account balance and more. Customers simply dial a unique short code from their device (e.g., \*MIN#, \*DATA#, \*BAL#) and the information is delivered within seconds via text message.
- myWireless – customers can log in to AT&T’s online account management system at any time to view current and historical voice and data usage, utilize tools that can analyze historical usage charges and trends, add wireless features and find tips on how to avoid overages. This free service allows qualified customers to know where they stand on all usage and how many days are left in their current billing cycle.

- AT&T MyWireless App – is a free downloadable app currently available on certain smartphones, including iPhone, BlackBerry Torch 9800, Blackberry Bold series, BlackBerry Curve series and Android Smartphones that let's customers check their usage whenever they want.

AT&T also provides proactive courtesy alerts and notifications for domestic usage.

- AT&T provides customers with courtesy, text-based alerts when the customer incurs approximately \$15 - \$20 in total overage charges – either on a pay-per-use basis or in excess of their monthly allotment – for messaging and data plans.
- Smart Phone Usage Alerts. For customers on AT&T's DataPro or DataPlus data plans for smartphones, courtesy alerts are sent via text message and email (if provided) when the customers reach 65%, 90% and 100% of their plan's limit.
- Flexibility. Customers are allowed to change plans at any time (and add or delete features) without extending their contract if they realize they have or will exceed their allotted minutes or data. Plan changes can be made effective the beginning of the bill cycle in which the change was made, which may allow customers to avoid overage charges that they may have otherwise incurred

As part of our discussion, we also talked briefly about network management and privacy disclosures. AT&T noted that it intends to comply with the Commission's recently adopted network management disclosure rules for broadband Internet access service once those rules become effective. AT&T's privacy policy, which is available for review on all AT&T websites, provides our customers with concise, easy-to-understand language on policies and demonstrates our commitments to customers around privacy, including security, transparency and consumer choice. Our AT&T privacy website ([www.att.com/privacy](http://www.att.com/privacy)) includes our privacy commitments, video clips explaining AT&T's commitments and policy highlights, AT&T contact information, and AT&T Privacy Policy and FAQs.

If you have any questions, please contact the undersigned at 202-457-3039.

Sincerely,

/s/ Toni Acton

Toni R. Acton

cc: Joel Gurin  
Mark Stone  
Michael Jacobs  
Colleen Heitkamp  
Kurt Schroeder  
Nancy Stevenson  
Lynn Ratnavale  
Rebecca Hirselj  
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