

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (“Cramming”))	CG Docket No. 11-116
)	
Consumer Information and Disclosure)	CG Docket No. 09-158
)	
Truth-in-Billing and Billing Format)	CG Docket No. 98-170

COMMENTS OF THE VOICE ON THE NET COALITION

The Voice on the Net Coalition (VON Coalition)¹ hereby submits these comments in response to the Commission’s Notice of Proposed Rulemaking regarding consumer empowerment and the prevention of “cramming” – the unlawful practice of adding unauthorized charges to consumers’ telephone bills.² The voice over Internet Protocol (VoIP) industry is diligent about protecting consumers from unauthorized, third party charges. Without substantive evidence of any problem, the Commission should not apply the cramming rules to interconnected VoIP providers.

In this proceeding the Commission is proposing changes to its existing truth in billing rules that already prohibit cramming.³ Specifically, the Commission proposes imposing additional safeguards on carriers that will require them to notify consumers at multiple points of

¹ The VON Coalition works to advance regulatory policies that enable Americans to take advantage of the promise and potential of IP enabled communications. Its members – including AT&T, Broadvox, BT, Google, iBasis, Microsoft, Nextiva, Skype, T-Mobile, Vonage, and Yahoo – are developing and delivering voice and other communications applications that may be used over the internet.

² See *In the Matter of Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (“Cramming”), et al.*, Notice of Proposed Rulemaking, FCC 11-106 (rel. Jul. 12, 2011) (“NPRM”); *Empowering Consumers To Prevent and Detect Billing for Unauthorized Charges (“Cramming”), et al.*, 76 Fed. Reg. 52625 (Aug. 23, 2011).

³ See *Truth in Billing Order; In the Matter of Truth-in-Billing and Billing Format, et al.*, Second Report and Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking, 20 FCC Rcd 6448 (2005), *vacated in part sub nom. Nat’l Ass’n of State Util. Consumer Advocates v. FCC*, 457 F.3d 1238 (11th Cir. 2006).

any option to block third-party charges from their telephone bills, to place charges from third-parties in a separate section of the bill and to disclose the Commission's contact information for filing complaints.⁴ The Commission also asks whether any of the rules proposed in the NPRM should apply to providers of interconnected VoIP.⁵

DISCUSSION

There is no evidence or examples stated in the NPRM that providers of interconnected VoIP have placed on unauthorized charges on consumers' bills. According to the Commission, VoIP cases make up 0-2% of all cramming complaints.⁶ No billing complaints related to interconnected VoIP appear on the Commission's most recent Report of Informal Consumer Inquiries and Complaints.⁷ And the NPRM does not present any information that would warrant extending the proposed rules to interconnected VoIP services.⁸ This evidence reflects the efforts of VoIP service providers to bill only those charges that have been authorized by their customers and to provide full disclosure of such charges. The FCC should not burden the VoIP industry with cramming-related obligations or any new regulations where cramming or other billing issues have not been shown to exist.

⁴ See NPRM at ¶ 3.

⁵ *Id.* at ¶ 69.

⁶ See Joel Gurin, *Unauthorized Fees: What's Hiding in Your Phone Bill?*, Official FCC Blog, Jul. 12, 2011, available at <http://www.fcc.gov/blog/unauthorized-fees-whats-hiding-your-phone-bill>. VoIP cases make-up only zero to two percent of all cramming complaints. Presumably the number is small enough that the Commission does not independently identify the number or percentage of complaints by VoIP customers, instead lumping VoIP into a category identified as "other." *Id.*

⁷ See Report of Informal Consumer Inquiries and Complaints; Fourth Quarter, Calendar Year 2010 (rel. Aug. 15, 2011), available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0815/DOC-309057A1.pdf.

⁸ See NPRM at ¶ 69.

CONCLUSION

The Commission should act in accordance with the recommendations herein.

Respectfully submitted,

VOICE ON THE NET COALITION

Glenn S. Richards
Executive Director
2300 N Street, NW
Washington, D.C. 20037
(202) 663-8215

October 24, 2011