

**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

Reply Comments of the Montana Public Service Commission

While the Montana Public Service Commission (MPSC) does not receive a large volume of complaints regarding unauthorized charges on customer bills (cramming), the MPSC is still concerned about the practice and its impact on Montana consumers. The MPSC is cognizant of the fact that cramming complaints by Montana consumers are not only filed with the MPSC, but also with the Montana Attorney General's office, the Federal Trade Commission (FTC), and the Federal Communications Commission (FCC). Thus, the MPSC sees only a portion of the total cramming complaints lodged by Montana consumers. The MPSC agrees with the FCC that reported cramming complaints likely understate the magnitude of the cramming problem because consumers face significant challenges in detecting and preventing unauthorized charges on their bills.¹ Often unauthorized third party charges may reflect small amounts and most consumers are not even aware that third parties can place charges on their telephone bills. The MPSC offers the following reply comments on certain proposals in the Notice of Proposed Rulemaking (NPRM).

¹ FCC NPRM, Page 2, ¶2.

Blocking

The MPSC agrees with the comments submitted by several state regulatory offices that all telecommunications providers (wireline, wireless, and VoIP) should impose a default block on new third-party billing for all existing and for newly established telephone customer accounts, at no charge to the customer. Customers wishing to allow new third-party billing should be required to “opt-in” to such a billing arrangement for a specific vendor, with the billing block being lifted only pursuant to a customer request being placed to the local carrier from the telephone line used for billing the account. In other words, existing third-party billing on established accounts should be grandfathered in, but all new third-party billing would be blocked unless the block is lifted by the customer.

Third Party Charges on Bills

Third-party charges on a customer’s bill should be segregated in a separate section on the bill. For each third-party charge there must be clear and accurate contact information on the bill to allow customers to pursue information on the charge and resolution of disputes.

Complaint Filing Information on the Customer Bill.

In Montana, regulated wireline carriers must include information on their bills for customers on how to file complaints with the MPSC. In addition, Montana has extensive rules for regulated wireline carriers regarding the information which must be provided on customer bills by third parties.² The FCC has suggested that information be included on customer bills listing complaint contact information for the FCC.³ The MPSC opposes such a requirement for wireline carriers in Montana. The MPSC believes this would be confusing for customers. There is certainly no need for Montana wireline customers to contact the FCC rather than the MPSC.

The MPSC does not handle wireless customer complaints. Appropriate information on how to file complaints with the FCC should be included on the bills of wireless and VoIP providers.

² Administrative Rules of Montana, Sec. 38.5.3332

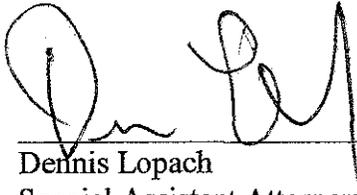
³ NPRM Page 19, ¶50

Federal Rules versus State Rules

MPSC agrees with comments submitted by both the California PUC and the New England Commissions that the FCC should clearly specify that its new regulations do not preempt more stringent state cramming requirements.

Dated this 28th day of November, 2011.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dennis Lopach', is written over a horizontal line.

Dennis Lopach
Special Assistant Attorney General
Montana Public Service Commission
1701 Prospect Avenue
PO Box 202601
Helena MT 59620-2601