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

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| 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 | ) | CC Docket No. 98-170 |

To the Commission

**<u>REPLY COMMENTS OF PAYMENTONE CORPORATION</u>**

Richard H. Gordin
Steven A. Lancellotta
BUTZEL LONG TIGHE PATTON PLLC
1747 Pennsylvania Avenue, NW – Suite 300
Washington, DC 20006-4604
Telephone: (202) 454-2800

Attorneys for PaymentOne Corporation

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## SUMMARY

The comments filed in this proceeding demonstrate that consumers and businesses value and wish to continue paying for purchases through their telephone bills because it allows products and services to be provided in a safe, efficient and convenient manner without undue delay, without incurring unnecessary charges and with lower risk of identity theft. Consumers and businesses would be harmed if this payment option is unnecessarily burdened or restricted.

The record establishes that PaymentOne, along with the LECs and other aggregators, have adopted comprehensive anti-cramming measures over the last few years. These include detailed contractual requirements, up-front screening and due diligence, limitations on the types of services/products sold or on certain sales practices, stringent authorization and verification protocols, continuous monitoring/testing subject to established thresholds and benchmarks, the implementation of blocks or termination of billing if protocols are not met, and ongoing audits. These practices are having the desired effect.

Contrary to the unsupported assertions of some commenters, the overwhelming majority of third party charges are legitimate, and current data reflects that cram levels represent only a small fraction of overall billings. Moreover, cram levels are falling. Indeed, as reported in its Comments, PaymentOne has seen a drop in overall cram rates of approximately 26% from the second quarter of 2009 to the second quarter of this year, and the overall cram rate for transactions processed by PaymentOne was well below 1% as of the second quarter of this year. Other industry participants also report low instances of cramming. PaymentOne expects that cramming levels will continue to fall as existing practices are refined and new measures are instituted.

PaymentOne shares the Commission's desire to prevent the imposition of unauthorized charges on consumers and businesses, and supports the specific rules proposed by the FCC to minimize the potential for confusion by enhancing bill clarity and disclosures to subscribers. In light of the current limited scope of cramming, and the success of industry efforts to combat cramming, more intrusive regulation - such as banning third party billing or requiring automatic blocking – is unnecessary, and would constitute an improper and overbroad response that would only serve to deprive consumers and businesses of a convenient payment option which they value and which is becoming increasingly important in the context of the overall economy. It would harm competition, consumers and businesses, particularly small businesses which cannot bear the cost of their own billing infrastructure.

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**REPLY COMMENTS OF PAYMENTONE CORPORATION**

PaymentOne Corporation ("PaymentOne"), by counsel and pursuant to Sections 1.415 and 1.419 of the Commission's Rules,[1] respectfully submits its reply comments in response to the Commission's July 12, 2011 Notice of Proposed Rulemaking ("NPRM")[2] in the above-referenced proceeding.[3]

As noted in its comments, PaymentOne is a billing aggregator that acts as a telephone bill processing intermediary and offers a full range of other billing solutions to companies selling digital products or services to consumers and businesses. PaymentOne has handled over $4 billion in processed transactions, and its telephone-billing customers range from small and medium-sized merchants to Fortune 500 companies, and include some of the most recognized

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[1] 47 C.F.R. §§1.415 and 1.419.

[2] *Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges ("Cramming")*, CG Docket No. 11-116, Consumer Information and Disclosure, CG Docket No. 00-158, *Truth-in-Billing Format*, CC Docket No. 98-170, *Notice of Proposed Rulemaking*, FCC 11-106 (released July 12, 2011).

[3] PaymentOne filed its comments in this proceeding ("PaymentOne Comments") on October 24, 2011. By Order released November 4, 2011 (DA 11-1860), the Commission extended the deadline to file reply comments to December 5, 2011.

and established names in digital commerce, including America Online and Blizzard Entertainment**.** PaymentOne's "Anyphone™" payment solution provides a simple and secure option for online and mobile consumers to pay for their digital subscriptions, mobile applications and other digital products and services.

Again, PaymentOne shares the Commission's desire to protect consumers from unauthorized charges and supports the specific rules proposed by the FCC to enhance bill clarity and disclosures to subscribers. These proposed rules properly reflect a measured approach addressing the confusion that consumers may experience from the manner in which third party charges are included on telephone bills. As demonstrated by PaymentOne in its Comments, and as echoed by numerous other commenters in this proceeding, consumers and businesses derive significant benefits from third party billing, including greater choice, lower costs, increased competition, and the safety, simplicity and convenience of a single monthly bill. This is reflected in the rapid growth of electronic commerce, including mobile commerce, which is becoming a key driver of the economy. The safeguards and other measures adopted over the past several years by PaymentOne and others in the industry are having the desired effect. Cram rates, which represent only a small fraction of overall billings, are falling, and are expected to continue to decline. More extensive regulation is not necessary, and indeed would be detrimental; the measured approach suggested in the NPRM strikes a reasonable balance of protecting the public while allowing the benefits of phone billing to continue.

## DISCUSSION

### I. The Record Amply Reflects the Growing Importance of Third Party Billing

The comments filed in this proceeding demonstrate that telephone billing provides significant value to consumers, small businesses and brand name merchants, and is a fast growing and increasingly important element of electronic and mobile commerce. Indeed, the mobile payments market alone is projected to grow as high as $630 billion by 2014.[4] This growth underscores that the simplicity and security of carrier billing makes it a preferred choice. As echoed by numerous commenters, consumers and businesses value and wish to continue paying for purchases through their telephone bills because it allows products and services to be provided in a safe, efficient and convenient manner without undue delay and without incurring unnecessary expenses, such as the expense of production and distribution of individual bills for each transaction.[5] This is critical in the context of the small, low fee transactions that typify online purchases.

[4] Comments of AT&T, Inc. ("AT&T Comments") at 12.

[5] *See e.g.* Comments of The Internet Search Optimization Company ("ISO Comments") at 1(ISO relies on LEC billing as a low-cost way to provide services to small business customers); Comments of American Roaming Network, Inc. ("American Roaming Comments") at 1(third-party billing services are of great benefit to businesses and consumers alike…thousands of businesses across the nation appreciate the benefits of third-party billing, including the ability to reduce administrative costs and consolidate charges for services onto a single bill…millions of consumers each year are able to purchase services at competitive rates, with a billing option that does not require them to open additional lines of credit or manage yet another bill); Comments of Americatel ("Americatel Comments") at 1 (enables us to deliver highly competitive prices to consumers…allows us to reach consumers would otherwise would not be able to); Comments of National Access Long Distance, Inc. at 1 (third-party billing services provide great value…must be preserved for the benefit of both businesses and consumers); AT&T Comments at 3(businesses rely on [carrier billing] because it reduces their operational costs and is both convenient for and expected by consumers); Comments of Verizon and Verizon Wireless ("Verizon Comments") at 2 (charges for services other than voice and data services [are placed on customers' phone bills ] because customers prefer one-stop shopping for these services and it is an easy, efficient way to make certain types of purchases); Comments of Frontier Communications Corporation ("Frontier Comments") at 8 (Third-party billing offers a convenient and efficient payment method for many consumers); Comments of Billing Concepts, Inc. ("BSG Comments") at Summary, page 2 (benefits extend beyond greater consumer choice, lower prices, and increased competition; consumers also gain the simplicity and convenience of a single monthly bill).

Third-party billing is used not only to purchase a variety of non-telecommunications products and services, but also to make charitable donations, pay for subscriptions, and purchase telecommunications related offerings such as operator services and low cost long distance services.[6] Dial-around and operator services are of particular benefit to select segments of the population -- hospital patients and their families, detention facility inmates and low income consumers -- providing a critical safety net for these groups.[7]

The use of telephone billing also enables consumers and businesses to avoid the high fees and interest costs imposed by other forms of payment.[8] With credit card use declining, and a majority of consumers viewing credit card security concerns (identity theft, fraud, etc.) as the most significant barrier to adoption of online commerce[9], billing solutions that alleviate such concerns, such as telephone billing, constitute one of the few viable means for participating in E-commerce through the purchase of products and services.

The comments filed in this proceeding make clear that telephone billing fosters competition and benefits consumers and businesses by allowing them to quickly and easily access a variety of products and services, including core telecommunications services, at competitive prices. Small businesses, which cannot bear the cost of their own billing infrastructure, in particular benefit from the economies and efficiencies afforded by telephone

[6] Frontier Comments at 8; BSG Comments at 2.

[7] Comments of 1 800 Collect, Inc. ("1 800 Collect Comments") at 2-3; BSG Comments at 2-3.

[8] ILD Teleservices Submission to the Federal Communications Commission ("ILD Comments") at 2.

[9] PaymentOne Comments at 5-7. *See also* Comments of Sprint Nextel Corporation ("Sprint Nextel Comments") at 5 (The ability to bill third-party purchases to a consumer's wireless bill is an easy and convenient means for consumers to pay for small value charges without using credit or disclosing sensitive credit card or bank information to third parties.).

billing.[10] Neither consumers nor businesses would benefit if this payment option is unnecessarily burdened or restricted.

## II PaymentOne and Others in the Industry have Implemented Numerous Safeguards to Protect Consumers and Businesses

PaymentOne and others in the industry have already implemented many of the protective practices and procedures referenced in the NPRM. As shown in the Section III below, these measures are working as cram levels, which already represent only a small fraction of overall billings, are falling.

PaymentOne has on an ongoing basis implemented processes and protocols and contractual requirements designed to minimize the potential for unauthorized charges, and allow for instances of cramming to be identified and addressed in an effective manner. Over the past few years, PaymentOne has intensified this effort. This has resulted in a significant reduction in cram levels over the past twenty-four months, a trend that PaymentOne expects will continue as processes are continuously refined and new measures are adopted.

As PaymentOne outlined in its Comments, its potential customers are sent a detailed 17-page questionnaire that requests pertinent information about the service provider and its offerings. PaymentOne then reviews and verifies the information using a 100-point checklist. The checklist and related screening practices are continuously refined to reflect changing industry practices and requirements, as well as telephone company and regulatory requirements.

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[10] *See* ISO Comments at 2 (The availability of billing through the customer's existing local telephone invoice is a key convenience for small businesses that typically do not have dedicated accounts payable departments and employees.); 1 800 Collect Comments at 3-4 (1 800 Collect's billing arrangement with large carriers, via aggregators, allows 1 800 Collect to keep costs down….allows 1 800 Collect to outsource efficiently a portion of its operations that might otherwise prove to be a drain on its revenue); American Roaming Comments at 1 (As a result of third-party billing services, companies have been able to offer our customers a flexible and convenient billing option that saves them time and money, which has helped us to remain competitive in today's challenging market.).

The information received from the service provider is then subject to a comprehensive due diligence process. In connection with online sales, the review process entails, among other things, checking the terms and conditions of service; reviewing the service provider's website URL; purchasing products from the provider online; and testing 800 numbers. PaymentOne requires that the verification include specific end user information (name, address, age, BTN, etc.); confirmation of authority to make the purchase; a complete, clear and conspicuous description of the product or service; explicit acknowledgement and consent that the charges will appear on the end-user's telephone bill; and affirmative acceptance of the offer and related terms and conditions. Also required to confirm identity and authorization by the purchaser is one of the following: date of birth; last four digits of social security number; or a telephone call (either live or automated) to the end user at the telephone number to be billed. PaymentOne, like others in the industry, also mandates double opt-in, with specific product, pricing and terms of sale information required to be contained in the re-confirmation of the product or service being sold.

With respect to online or other electronic transactions, PaymentOne has instituted an authentication protocol pursuant to which PaymentOne validates and authenticates the transaction and identity of the consumer on the front end, significantly reducing the potential for unauthorized transactions. This is in addition to the above-described authorization and verification procedures required of PaymentOne's service provider customers.

The process with respect to telemarketed sales includes reviewing sales scripts, welcome and fulfillment packages, and third party verification ("TPV") scripts. Verification information must include specific end user information and confirmation that the end user is of legal age. The verification should include, among other things: (i) an initial statement of purpose; (ii) a clear and conspicuous disclosure to the end-user of the material terms of the product or service;

(iii) express consent to obtain the product/service and have the charges appear on the end-user's telephone bill; and (iv) confirmation that the person is the end-user or is authorized by the end-user to purchase the product/service and have the charges included on the end-user's telephone bill. Once billing commences, sample TPV recordings are reviewed for adherence to the approved criteria. PaymentOne also contacts the third party verification company hired by the service provider to confirm that it will be providing verification services.

Once the customer is allowed to start billing, PaymentOne monitors the number of consumer, regulatory and telephone company inquiries and complaints associated with each customer, in addition to certain transaction metrics. If the number of complaints/inquiries or transaction metrics exceeds certain thresholds, PaymentOne may suspend new transaction processing, and/or require the service provider to submit an action plan that outlines the measures it will take to improve performance. If the service provider fails to meet this objective, PaymentOne will either suspend or terminate new transaction processing on behalf of the service provider.

PaymentOne also has retained the services of an independent global management consulting, technology services and outsourcing company to monitor PaymentOne's screening, sign-up and monitoring practices and procedures. Many of the above safeguards and processes and additional protections are built into PaymentOne's current standard billing contract with its service provider customers.

PaymentOne is not alone in these efforts. The comments in this proceeding establish that the LECs and other aggregators similarly have adopted comprehensive anti-cramming measures. These include but are not limited to detailed contractual requirements, up-front screening and due diligence, limitations on the types of services/products sold or on certain sales practices, stringent authorization and verification protocols, continuous monitoring/testing subject to established thresholds and benchmarks, the implementation of blocks or termination of billing if protocols are not met or thresholds are exceeded, ongoing audits, and streamlined complaint resolution processes.[11] As shown below, cram rates are falling as a result of these and other measures that have been implemented across the industry. PaymentOne expects cram rates to continue to decline as existing procedures are refined and new practices implemented.

## III Extreme Measures Such As an Outright Ban or Default Blocking are Grossly Excessive and Completely Unjustified

Some commenters urge the FCC to impose a full or partial ban on third party billing or to require that third party billing be blocked (subject to possible exceptions) unless and until affirmatively requested by the end user – default blocking. In support of such extreme measures, these commenters typically point to the statistics cited in the NPRM and/or in the Senate's recent report on cramming, as well as past cramming cases, for the proposition that cramming is epidemic and there is little evidence of legitimate uses of third party billing.[12] In fact, the opposite is true. Reported instances of cramming pale in comparison to the number of consumers with third party billed charges,[13] the overwhelming majority of third party charges

[11] *See e.g.*, Comments of AT&T at 8-10; Comments of Verizon at 1, 3-7; Comments of Sprint Nextel at 5-11; Comments of CenturyLink to Notice of Proposed Rulemaking ("CenturyLink Comments") at 12-14; T-Mobile USA, Inc. Comments ("T-Mobile Comments") at 6; Comments of CTIA-The Wireless Association ("CTIA Comments") at 6, 15-16; Frontier Comments at 1-3, 5-8; BSG Comments 2, 4-8; ILD Comments at 6-7.

[12] *See e.g.*, Comments of Illinois, Nevada and Vermont ("Illinois Comments") at 2; Comments of the Federal Trade Commission ("FTC Comments") at 3-4; Initial Comments of New York Attorney General, Oregon Attorney General, Tennessee Attorney General, Maryland Attorney General, Indiana Attorney General, Kentucky Attorney General, Mississippi Attorney General, Arizona Attorney General, Nevada Attorney General, Iowa Attorney General, New Hampshire Attorney General, Alaska Attorney General, Delaware Attorney General, Georgia Attorney General, Washington Attorney General, New Mexico Attorney General, Alabama Attorney General ("Attorneys General Comments") at 6-9.

[13] AT&T Comments at 2.

are legitimate,[14] the practices at issue in past cramming cases are far from common and are unlikely to reoccur given the protective measures put in place by the industry, and much of the data referenced by the FCC and Senate is stale and/or flawed.

**(A) Cramming Levels Are Overstated**

While the FCC and some commenters speculate that cramming levels may be higher than the data indicates, in fact cramming levels are overstated. As PaymentOne demonstrated in its Comments, in the context of third party billing, a "cram" has become a grossly misused term, typically including far more than documented instances of unauthorized charges. Indeed, mere allegations of unauthorized charges, inquiry attributable to "buyer's amnesia," and requests to cancel attributable to nothing more than "buyer's remorse" are typically included in cram totals.[15] This contrasts sharply with the credit card industry, which has an established dispute process that allows for merchant input and requires the complaining consumer to certify that the charge was unauthorized.

As discussed above, PaymentOne's customers are required to participate in verification programs and a true cram is rare; most transactions that are labeled as crams are in fact authorized and the consumer's complaint would be no different if the charge were via credit card instead of a phone bill. As a result, in the context of third party billing, PaymentOne's experience is that the level of actual unauthorized charges is materially below the attributed cram level, and the vast majority of third party charges are legitimate**.**

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[14] BSG Comments at 7 (the overwhelming majority of third-party billed charges are for legitimate goods and services that consumers and small businesses voluntarily purchase, presumably on finding significant value in these products and services). *See also* AT&T Comments at 7; CenturyLink Comments at 2.

[15] PaymentOne Comments at 8-9. *See also* Sprint Nextel Comments at 11-12 (consumer inquiries or disputes do not necessarily indicate incidents of cramming or any violation of Sprint or MMA guidelines).

### (B) The Protective Measures Adopted by the Industry Should Guard Against the Types of Practices Seen in Past Cramming Cases

Some commenters reference past cramming cases as evidence that cramming is widespread and out of control.[16] In truth, these cases are outliers. The practices detailed in these cases are far from the norm and, significantly, the preventive measures put in place over the past several years by PaymentOne and others in the industry greatly minimize the chances for reoccurrence on a going forward basis. As noted above, in PaymentOne's experience, a true cram is now rare.

### (C) Current Data Reflects that Cramming Impacts Only a Small Percentage of Billings, and Cram Rates are Falling

Reliance on the findings of the Senate is misplaced. The Senate did not have the benefit of full industry input. Moreover, much of the data and statistics cited by the FCC and the Senate is stale and/or flawed.[17] As PaymentOne reported in its Comments, even using typically "inflated" cramming figures, in connection with the transactions it processes, PaymentOne has seen a drop in overall cram rates of approximately 26% from the second quarter of 2009 to the second quarter of this year, and the overall cram rate for transactions processed by PaymentOne was well below 1% as of the second quarter of this year. This is due in large measure to the practices and procedures implemented by PaymentOne over the past several years. Other industry participants, including certain regulatory authorities, also report low instances of cramming.[18] Instances of cramming in connection with wireless services is lower still, a fact the

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[16] *See e.g.,* Illinois Comments at 2; Attorneys General Comments at 23**.**

[17] *See e.g.,* BSG Comments at 6 (If [FCC numbers are accurate and] 15 million households had been crammed, that would constitute more than one quarter of *all* LEC switched households [being affected by cramming]. This is difficult to square with BSG's own statistics showing incident levels around one-quarter of one percent.).

[18] *See e.g.,* Comments of AT&T at 6 (In September 2011, only a tenth of a percent – approximately 2100 – of AT&T's wireline customers that were previously billed third-party charges alleged a cram.); BSG Comments, Executive Summary at 2 (inquiries in some LEC regions are as low as 0.25%); Initial Comments of the

Continued . . .

Commission itself has recognized.[19] Moreover, PaymentOne expects that cram levels will continue to fall as existing practices and procedures are continuously refined and new measures are instituted.

It is clear from the forgoing that there is absolutely no basis or justification for the Commission to ban third party billing or impose default blocking or other burdensome and intrusive requirements. Default blocking is unnecessary and would act as a de facto ban because it is contrary to the industry standard of blocking on request. Most consumers will not know this billing option is blocked because they did not request it. When they attempt to order a product or service and are informed that their phone is not approved for such billing, they cannot be expected to know the reason. Moreover, they will be in the middle of a transaction and cannot reasonably be expected to leave the internet site or the phone call to remove the block. The result will be that the transaction will not occur or it will occur using a payment method that is not the method the consumer prefers.

In light of the current limited scope of cramming, and the success of industry efforts to combat cramming, such actions as banning or automatic blocking would constitute an unnecessary, improper and overbroad response that would only serve to deprive consumers and

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Massachusetts Office of the Attorney General at 10 (To date in 2011, twenty-five landline customers and eleven wireless customers have contacted the Attorney General to seek help in eliminating unauthorized third-party charges appearing on their bills. Most of these consumers sought an explanation as to why and how the local carrier was able to put these charges on their bills. In 2010, fifty-one landline customers and twenty-nine wireless customers contacted the Attorney General…); Joint Comments of the New England Conference of Public Utilities Commissioners – The Connecticut Department of Energy and Environmental Protection Public Utilities Regulatory Authority, The Maine Public Utilities Commission, The Massachusetts Department of Telecommunications and Cable, The New Hampshire Public Utilities Commission, The Vermont Department of Public Service, and the Vermont Public Service Board – and The Rhode Island Division of Public Utilities and Carriers ("New England Commissions Comments") at 14-15 (between 2008 and August 2011, the reporting New England Commissions received at least 1, 611 cramming complaints [excluding other reporting entities and wireless complaints]…a small fraction of the over 21.4 million voice subscribers in New England).

[19] *See e.g.*, CTIA Comments at4-6; T-Mobile Comments at 2; Sprint Nextel Comments at 11; AT&T Comments at 6-7.

businesses of a convenient payment option which they value and which is becoming increasingly important in the context of the overall economy.[20] It would harm competition, consumers, and businesses, particularly small businesses.[21] There are also significant issues concerning the FCC's underlying authority to impose intrusive regulations in this area, and doing so would raise Constitutional issues.[22]

## IV PaymentOne Supports the Specific Rules Proposed by the FCC to Address Consumer Confusion, and Urges Industry-wide Implementation of Other Targeted Measures to Reduce Incidences of Cramming

The Commission in the NPRM proposes rules that would require wireline carriers to notify subscribers clearly and conspicuously, at the point of sale, on each bill, and on their websites, of the option to block third party charges if the carrier offers that option, and place charges from non-carrier third-parties in a bill section separate from carrier charges.[23] The Commission also proposes rules that would require carriers, both wireless and wireline, to include on all telephone bills and on their websites the FCC's contact information for the submission of complaints.[24] As indicated in its Comments, PaymentOne supports these proposed rules as a tailored approach that minimizes the potential for confusion while preserving the benefits of third party billing for consumers and businesses alike.

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[20] *See e.g.*, ISO Comments at 8, 10 (a "throw the baby out with the bath water" approach…not in keeping with the Presidential directive against unnecessary regulation); Comments of AT&T at 2-7; BSG Comments at 1, 9-11; Frontier Comments at 7.

[21] *See e.g.*, 1 800 Collect Comments at 1 (ban would impose fatal costs on legitimate businesses); Comments of Paytel Communications, Inc. at 1 (would unnecessarily harm businesses like ours, as well as those correctional facilities that we serve and the inmates housed in those facilities); Americatel Comments at 1 (Hundreds of thousands of Hispanic businesses and households rely on third-party billing services. Eliminating third-party billing would make it more difficult for them to buy, manage, and realize savings from these services); Comments of Sun Programs, Inc. at 1 (To prohibit third party billing by wireline carriers would put us out of business and leave many thousands of New Jersey residents without a reliable service they've counted on for decades).

[22] *See e.g.*, CenturyLink Comments at 20; CTIA Comments at 11; BSG Comments at 11.

[23] NPRM at 16-19.

[24] NPRM at 19-20.

As noted in its Comments, PaymentOne has targeted certain marketing and sign-up practices and services that in the past have tended to result in higher cram levels.[25] For example, PaymentOne now prohibits its customers from engaging in offsite incentive marketing, and encourages all of its customers to use automated verification. PaymentOne also restricts the sale and marketing of certain services which in the past have been shown not to be valued by consumers and have been associated with higher cram levels, such as voice mail services and certain email services**.** PaymentOne recommends and would support industry-wide adoption of these policies.

## CONCLUSION

Assertions of cramming stem not from the particular payment platform used, but from the marketing, sign-up, verification and authentication practices used in connection with the sale. If those practices are deficient, then cramming levels will be higher regardless of whether the underlying billing platform is based on telephone billing, credit cards, debit cards, or some other payment method. By the same token, implementing improvements in these practices can significantly reduce cram levels.

In response to the question raised by the Commission in the NPRM -- cramming issues can indeed be successfully addressed by industry practices.[26] The record reflects that the safeguards, practices and policies voluntarily adopted and put in place by PaymentOne and others in the industry over the past several years have had a measureable impact in reducing instances of unauthorized charges, a trend that PaymentOne expects will continue as existing safeguards are refined and new measures are adopted across the industry. In light of these

[25] PaymentOne Comments at 16-17.

[26] NPRM at 22.

successes, considering that the overwhelming majority of third party charges are legitimate, and considering further the importance of telephone billing to businesses and consumers and to electronic and mobile commerce in general, the Commission should refrain at this time from adopting regulations beyond those specific rules proposed in the NPRM designed to improve notice and disclosure to consumers and thereby minimize consumer confusion.

Respectfully submitted,

PAYMENTONE CORPORATION

By: /s/ Richard H. Gordin

Richard H. Gordin
Steven A. Lancellotta
BUTZEL LONG TIGHE PATTON PLLC
1747 Pennsylvania Avenue, NW – Suite 300
Washington, DC 20006-4604
Telephone: (202) 454-2800

Its Attorneys

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