

CHARLES E. SCHUMER
NEW YORK

United States Senate

WASHINGTON, DC 20510

April 1, 2012

COMMITTEES:
BANKING
DEMOCRATIC POLICY & COMMUNICATIONS
FINANCE
JUDICIARY
RULES

Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Genachowski,

I write today to commend your efforts along with the rest of the Federal Communications Commission to prevent companies from cramming telephone consumers; however, I believe that more work must be done to ensure Americans are not forced to pay these outrageous charges on their wireless bills.

Over the past several years, New Yorkers have been unknowingly charged up to ten dollars a month for text messages that contain unwanted offers or services. Companies send these text messages to consumers without approval. Much of the time, the consumer has no idea that this otherwise innocuous text message will later show up on the bill. These charges may be labeled a "service fee," "other fees," "voicemail," "calling plan" or some other vague term for which the consumer is tricked into believing that they are required to pay.

While this practice is most likely already illegal, consumers are forced to go through an onerous process to remove the charge. I believe that cell phone wireless companies, which allow these crammers to operate, must take more responsibility to prevent this practice from occurring. Cramming is simply unfair to consumers who did not request nor approve such a charge.

The FCC has taken the lead by proposing rules that would help to prevent the problem of cramming. However, I would ask that you expand your rulemaking to encompass a mandatory ban on these charges unless a consumer specifically opts in. Verizon and AT&T have already announced their intentions to create such a rule for their landline customers, and I strongly believe that all other companies should follow Verizon and AT&T's lead and these changes should be extended to wireless customers. If companies do not make these changes voluntarily, the FCC should look towards imposing this as a rule on wireless companies. I ask that you work with my staff to ensure the FCC has the authority in place, possibly through new legislation, to ensure consumers are not deceptively charged.

I thank you for your attention to this important matter, and look forward to working with you to assist you in protecting American consumers from unfair and deceptive practices.

Sincerely,

Charles E. Schumer
United States Senator

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