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June 25, 2012

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

RE: Notice of Proposed Rule Making (NPRM)

Dear Chairman Genachowski:

As a nonprofit organization committed to strengthening working families, I write to express our concern over your Notice of Proposed Rulemaking as it pertains to wireline third-party billing. While our organization commends your leadership in protecting consumers against "cramming," we believe that third-party billing services fulfill a vital need in the Hispanic community, keeping the cost of communication low for consumers and businesses alike.

Specifically, the FCC's proposed "opt-in" requirement fails to make a distinction for wireline carriers, who inherently provide an opt-in through the affirmative process of placing a long distance or collect call. We believe that implementing an additional consent process is unworkable for the wireline industry, and will likely result in increased costs for businesses and consumers in already difficult economic times.

An opt-in requirement is shortsighted and may even have negative consequences. For example, when a collect call is made, the recipient already "opts-in" when he or she approves the charges. However, under the proposed rule, a consumer would face an added layer of "opting-in" prior to receiving a call. In the event a collect call is made from a friend or loved one, which could very well be urgent, he or she would be precluded from speaking to the other party unless the recipient has previously opted in.

Third-party billing services benefit Latinos, particularly those with friends or loved ones living abroad and/or who are part of disadvantaged communities. An opt-in requirement will create unintended hardships. In fact, each year, third-party billing enables more than 11 million calls between the U.S. and locations throughout Latin America alone. Making long-distance and collect calling more difficult will impede the ability of individuals to reach friends and loved ones in other countries. These individuals will be forced to find other means by which to communicate, which are often more costly.

In addition, Hispanic-owned small businesses would be adversely affected by such a requirement. Hispanic-owned businesses grew by nearly 44 percent between 2002 and 2007. This is more than double the national growth rate of 18 percent. Forcing Hispanic-owned businesses to face higher costs by eliminating a service that reduces administrative costs and overhead, would needlessly drain resources, harm customer service, prevent hiring, and depress growth.

While we applaud your efforts to protect consumers from the cramming, our country cannot afford new policies that would have unintended consequences for hardworking Hispanic consumers and small-businesses that are the backbone of the American economy. We respectfully ask that the Commission consider rules that prevent "cramming" in a way that preserves the proven benefits of third-party billing.

Sincerely,

Mario H. López
President