

AMERICA NET LLC

3580 WILSHIRE BOULEVARD 17TH FLOOR LOS ANGELES CALIFORNIA 90010

22 September 2011

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**IN RE CG DOCKET NOS. 11-116 AND 09-158;
CC DOCKET NO. 98-170
COMMENTS OF AMERICA NET, LLC
LOS ANGELES, CALIFORNIA**

Dear Ladies and Gentlemen:

America Net, LLC ("America Net"), hereby respectfully registers its concern, distress, and unease in the matter of CG DOCKET NOS. 11-116 AND 09-158; CC DOCKET NO. 98-170.

Through the above-captioned dockets, the Federal Communications Commission released a Notice of Proposed Rulemaking seeking comment on various proposals designed to assist consumers in detecting and preventing the placement of unauthorized charges on their telephone bills, an unlawful and fraudulent practice commonly referred to as "cramming."

America Net, LLC of 3580 Wilshire Boulevard, 17th Floor, Los Angeles, California 90010 hereby, with respect, presents, advances and offers the following enumerated comments, opinions, exegeses, reactions, rejoinders, elucidations and, counterclaims to CG DOCKET NOS. 11-116 AND 09-158; CC DOCKET NO. 98-170:

1. America Net, LLC ("America Net"), is a provider of non-facilities-based interexchange telecommunications services. It is authorized to provide international and interstate telecommunications, and to offer intrastate telecommunications services in almost half of the States. America Net has been arranging long-distance telephone services for consumers since early 1998.
2. Billing Services Group is the incumbent carrier billing service for America Net. America Net has no legal relationship with

this billing service or with any other telecommunications companies. America Net bills its flatrate, measured and, unlimited long-distance telephone services through incumbent carrier services. And, it does not provide pay-per-call or any other type of telecommunications services.

3. America Net engages separate telemarketing companies, third-party verification companies and, it does not solicit subscribers through the Internet.
4. America Net confirms every change of carrier by audiotaping the potential subscriber as he/she agrees to the switch of long-distance telephone service to America Net. The potential subscriber is clearly informed during the audiotaped verification process that he/she is authorizing America Net to become her/his long-distance telephone service provider and, that America Net is a separate company from his/her local telephone company and, that the charges will appear on the local telephone company's billing statement. No change is made unless the potential subscriber gives her/his clear affirmative verbal assent to the switch of the long-distance telephone service provider and, to the accuracy of all of the information that was recited on the audiotaped verification. At the end of the verification, the third-party verifier requires that the potential subscriber provide her/his birthdate or mother's maiden name to conclude the verbal contract. A toll-free telephone number is provided to the subscriber if she/he chooses to cancel the switch of long-distance telephone service at any time in the future for any reason. If the enrolled customer states that he/she did not fully understand that a switch of long-distance telephone provider was effectuated then, a courtesy credit is issued for at least one month of long-distance telephone service gratis. America Net fully complies with the requirements set forth in Section 64.1100 *et seq.* of the Commission's rules, and specifically with Section 64.1120.
5. It is important to note that America Net markets its long-distance telephone services only to small businesses. It has never marketed its services to residential consumers nor has it ever enrolled a residential subscriber since its inception in 1998. A small-business owner, comptroller and/or manager generally has the acuity and perception to examine her/his complete telephone bill to ascertain whether "cramming" has taken place, and to register a complaint with the provider. A reasonable small-business owner and/or manager examines all invoices, including the long-distance telephone invoice.

6. The strenuous and assertive efforts and fastidiousness of the Commission in its seemingly injudicious, perfunctory, and extraneous expedition, crusade, and quest to establish, ordain and/or decree additional, extraordinary, and supernumerary rules, regulations, protocols, canons, phraseology, wordage, verbosity, redundancy, tautology, superfluity, and prolixity in the Commission's new and improved formula "empowering consumers to prevent and detect billing for unauthorized charges," implies, suggests and, intimates an affront to the First Amendment of the United States Constitution.
7. The Federal Communications Commission ("the Commission") has made a decision to attempt to establish brand-new, new-fangled, unseasoned, redesigned, supplementary and/or, further anti-cramming regulations in addition to the numerous, diverse, copious, umpteen, and multifarious ones the Commission has heretofore enacted since 1996. The Commission itself in its Notice of Proposed Rulemaking acknowledges and accedes that the proposed rules go further than and beyond the type, class and, rubric of the consumer protection requirements of its own Truth-in-Billing pronouncements, governance and, regulations. The proposed anti-cramming rules and regulations may liberally exceed, overstep and, transcend the authority and dominion granted to the Commission by Congress. There is, most important, the question of the proposed anti-cramming rules apropos, respecting and, germane to the First Amendment and the Commerce Clause of the United States Constitution. The Congress has not granted, cannot grant and, will not grant to the Commission any authority that is repugnant to the Constitution. In just about any transmutation, variation or, modification the proposed rules precisely formulate an organization and regimentation of commercial speech and, therefore, are subject to all of the decisions of the United States Supreme Court ("Supreme Court") related to the Commerce Clause and the First Amendment of the Constitution up to and inclusive of the 2011-2012 Term. The track record of the Commission in regard to First Amendment issues is not of mere academic interest and must be taken into consideration before adoption of any part or fragment of the proposed rules. At issue also is recent jurisprudence of the Supreme Court related to corporations as "persons" or "citizens" worthy of First Amendment dignity, consideration and, recognition.

8. It has always been the clear and apparent policy, methodology and, practice of America Net to detect, prevent and, prohibit any and all unauthorized long-distance telephone charges (“slamming” and/or “cramming”) from ever being placed on the telephone statement, bill, and/or invoice of its present or future subscribers. To reiterate: America Net offers its long-distance telephone services only to small businesses. A small-business manager and/or owner should easily be able to recognize that the long-distance telephone charges are from America Net and not from the local or any other long-distance telephone service provider. The most obvious safeguard that a small-business owner/manager can use is to carefully read the long-distance telephone statement for each month of the year. To detect slamming and/or cramming requires simple, effortless, and manageable diligence and assiduousness in the reading of the monthly business telephone statement.
9. It has been proven by Congressional and other investigative Committees that cramming is a serious, extensive and, chronic dilemma. The Commission has addressed the cramming issue by enacting certain remedies such as the Truth-in-Billing rules in 1999 which were amended in 2005. Yet, the Commission asserts and maintains that despite those types of protocols and rules, and despite intentional, meticulous and, voluntary practices of the industry to attempt to protect subscribers and consumers from cramming or other unethical or unlawful billing practices, that numerous allegations and complaints continue to be registered with the appropriate federal and state regulatory agencies. However, the approach and plan of attack as meticulously advanced and enumerated by the Commission in its July 12, 2011 Notice of Proposed Rulemaking to address cramming appears draconian, rigid, drastic and, unconstitutional. A stunning example of just such a draconian approach is that the Commission is promoting and advancing the possibility of forbidding and disallowing *any* third-party charges on *any* telephone bill or invoice completely and without exception. Less draconian but equally shocking is that the Commission may require *all* types of telephone companies, providers and carriers to permit their subscribers and potential subscribers the discretion and opportunity to “block” third-party charges. It also is promoting prohibiting carriers, providers and bill aggregators from assessing *any* concomitant or additional fees for blocking services, maintenance or, ministrations.

10. Small-business subscribers are the only consumers who utilize or employ the types and classifications of long-distance telephone promotions and services exhibited and provided by America Net. No telephone services of any kind are offered to residential consumers except under a *doing-business-as* embodiment in which the business is actually inside of the subscriber's residence. America Net professes and asserts that it is critical, essential and, obligatory that the Commission in its proposed new rules in the matter of cramming cautiously, gingerly and, scrupulously dichotomize and separate those telephone companies that solicit, seek and, chase all residential and business subscribers from those long-distance telephone providers that promote, foster and, solicit exclusively and without exception small-business entities and enterprises. America Net is of the latter species and persuasion.

In recapitulation: The Federal Communications Commission has given notice that it is strongly considering establishing novel, neoteric, multitudinous and, more unbearable and, onerous rules, regulations and, protocols to ostensibly and in the pretense assist consumers in detecting and preventing the placement of unauthorized charges on their telephone statements even though consumers are able to do that now by carefully reading each and every section of the telephone invoice or bill as all reasonable subscribers already do. This especially applies to the reasonable small-business owner, comptroller or, manager. The Federal Communications Commission has about 2,000 employees at present. How many more employees will be needed to begin to implement, administer and investigate the inchoate, incohesive and, disjointed state-of-the-art proposed cramming policies and rules?

Sincerely,

AMERICA NET, LLC

BY: _____

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