

Comment on:

[Empowering Consumers to Avoid Bill Shock: Consumer Information and Disclosure \(Document ID FCC-2010-0346-0001\)](#)

Regarding the proposed requirement that mobile service providers make clear and ongoing disclosure of any tools they offer which allow subscribers to set usage limits or monitor usage balances: This rule should be extended to require basic tools to be offered without charge and that these services be conspicuously announced (such as suspending services upon reaching contracted usage allowance to prevent over-usage charges by disabling excessive use, blocking calls from specified numbers, and blocking text messages generated by email spam). In my personal experience with unsolicited spam, my carrier's response was that I could choose to pay an additional monthly fee for the ability to block these messages. They did not notify me of the similar functionality that they offered for free until after I threatened to change my service to their competitor.

Regarding Scope of Covered Entities and Services and Legal Authority: The proposed requirements to prevent bill shock should include a provision related to additional monthly charges for supposedly authorized third-party purchases. Carriers should not allow third parties to attach charges to the carrier's monthly billing, or at least carriers should be required to verify that the customer truly authorized the charges prior to applying the charges to the bill. The third party's claim that the customer authorized the monthly charge is NOT a valid verification.

Regarding the request for comment on experience with bill shock regulation in the European Union: U.S. citizens are significantly underserved compared to Europeans regarding modern communications capabilities, in terms of affordability of services (especially data/internet access services) as well as device capability, primarily due to lack of market competition. For example, prohibitively expensive data plans prevent many consumers from access to the wealth of communication tools freely available on the internet (such as social networking, instant messaging, email, VOIP voice and video conferencing), yet in order to purchase a service plan that meets their usage needs more economically, those consumers must bear the cost of a new phone (and/or the potential cost of locking into a 2-year agreement with early termination penalties) because the carrier offering the chosen plan will not provide service to their existing phone.

Regulations should require carriers to allow customers to purchase third party devices and utilize all of the devices features. Many people complain that the most advanced devices aren't available in the USA. This is in large part due to American carriers of service on the CDMA network refusing to provide service to CDMA-capable phones that use RUIM card technology which has been in use with some carriers since 2002. These cards are similar to SIM cards used in phones on the GSM network that allow a customer to use their contracted wireless services on any compatible device by inserting their SIM card into the device. The current monopoly on devices enjoyed by certain carriers by requiring customers to buy their phones limits market size available to potential developers of new devices, both hindering technological growth and raising insurmountable barriers to small businesses.

Since consumers are often required to purchase a new device in order to switch to another carrier when they are unhappy with their current carrier's service or pricing structure, the market is prevented from being influenced by consumer needs. Allowing this business practice protects carriers from appropriate negative consequences when they mistreat their customers through poor quality service, misleading marketing, or unauthorized charges. The proposed rule should prohibit wireless carriers from refusing service to third party devices, disabling device features, or locking the devices they sell against insertion of another carrier's SIM or RUIM type card. Granting consumers the freedom to select from competing carriers and device manufacturers would greatly expand U.S. consumer options for both devices and service carriers, inspiring competition in the market and providing consumers with a means to protect themselves against bill shock and charges they deem to be unfair.

Lastly, as the impetus for this proposed rule came from, in part, "Recent reports from both GAO and the Better Business Bureau" but presumably not social media sites and personal blogs, providers should repeatedly provide contact information to inform consumers how to report complaints to these agencies (such as by including a notice on bills).