Davis Wright Tremaine LLP

Suite 800
1919 Pennsylvania Avenue NW
Washington, DC 20006-3401

Michael C. Sloan
202.973.4227 (Tel)
202.973.4499 (Fax)

michaelsloan@dwt.com

January 24, 2014

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: ***Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges ("Cramming"), et al.*****, CG Docket Nos. 11-116, 09-158, 98-170, Notice of *Ex Parte* Meeting**

Dear Ms. Dortch:

On January 24, 2014, I met with Lynn Follansbee, John B. Adams, Mark Stone, Kurt Schroder, and Aaron Garza, all of the Consumer and Governmental Affairs Bureau to discuss Valley Yellow Pages' views in the above-captioned proceeding. Our conversation was consistent with Valley's comments (submitted Nov. 21, 2013) and with the information contained in the attached hand-out that I provided at the meeting. Please do not hesitate to contact me if you have any questions regarding this matter.

Very truly yours,

DAVIS WRIGHT TREMAINE LLP

/s/ *Michael C. Sloan* .

Michael C. Sloan

Attachment.

cc: Lynn Follansbee, John B. Adams, Mark Stone, Kurt Schroder, Aaron Garza (FCC)
Jason Hamm (Valley Yellow Pages)

VALLEY YELLOW PAGES

Presentation Notes (CG Docket No. 11-116)

About Valley Yellow Pages

- Valley is the largest independent publisher of Yellow Pages directories in California and the third largest in the country.
- Valley relies on its rights under § 222(e) to purchase subscriber list information from LECs in its service areas. Also has advertising customers.
- One-third of Valley's customers use LEC billing and collection services rather than direct billing by Valley. Customers say they appreciate the convenience of being able to pay all telecommunications-related charges on one bill, rather than multiple bills that may come at different times of the month. Customers enjoy significant cost savings, that Valley is able to pass on. Cramming allegations are virtually unheard of for Valley.
- All of Valley's business customers enter into written contracts for advertisements in Valley's yellow pages and have authorized Valley's charges.

Summary of Valley's Comments

- Cramming involves the placement of ***unwanted*** and ***unauthorized*** charges on customer phone bills.[1] ***Authorized*** charges do not implicate the Commission's cramming policies. The Commission has found that, "consumers benefit from legitimate third-party billing."[2]
- Valley oppose rule changes that would unnecessarily restrict LEC Billing and Collection services where cramming is not an issue.
- Valley opposes an opt-in process that would require LECs to police end-user consent.
- Affirmative opt-in requirement would be difficult to administer and not likely to be effective.
- Valley is equally, if not more, concerned about LEC statements that they will continue billing for their affiliates' businesses but not for third-parties.
- Valley's main concern is with having a level playing field with LEC-affiliated directory publishers.
- Special policy considerations applicable to directory publishers mandate level playing field. Sections 222(e) and 251(b)(3) specifically aimed at promoting independent directory

---

[1] *Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges ("Cramming")*, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 4436, ¶ 1 (2012).

[2] *Id.* ¶ 86.

publishing businesses and preventing LECs from abusing their power over subscriber list information and directory publishing.

<u>Valley's Proposals</u>

- Need to maintain non-discriminatory LEC billing and collection services. LECs should not be able to favor their affiliates over directly-competing third parties, especially in the directory publishing business.

- Require all third-parties that seek to utilize LEC Billing and Collection services to obtain the end-user customer's consent before doing so. Valley does this through its ***current*** customer contracting process.

- If an opt-in process is adopted, create an exception for business customers that enter into written contracts for services, as they are much less likely to be victims of cramming than residential consumers.