

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the matter of)	
)	
Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (“Cramming”))	CG Docket No. 11-116
)	
Consumer Information and Disclosure)	CG Docket No. 09-158
)	
Truth-in-Billing and Billing Format)	CC Docket No. 98-170

COMMENTS OF THE VOICE ON THE NET COALITION

The Voice on the Net Coalition (VON Coalition)¹ hereby submits these comments in response to the Commission’s Consumer and Governmental Affairs Bureau Public Notice seeking to refresh the record regarding cramming – the practice of adding unauthorized charges to consumers’ telephone bills.² Voice over Internet Protocol (VoIP) providers remain diligent in their efforts to protect consumers from unauthorized, third-party charges. Without substantive evidence of any problem, the Commission should refrain from applying its cramming rules to interconnected VoIP providers.

In the Commission’s last Report and Order addressing cramming, it stated that “we find that the record does not demonstrate a need for rules to address cramming for . . . VoIP customers at this time.”³ The Commission did note that it would continue to monitor cramming

¹ The VON Coalition works to advance regulatory policies that enable Americans to take advantage of the promise and potential of IP enabled communications. Its members – including AT&T, Broadvox, BT, the Cloud Communications Alliance, Google, iBasis, Microsoft, Nextiva, RingCentral, Vocalocity, and Vonage – are developing and delivering voice and other communications applications used over the Internet.

² See *Public Notice, DA 13-807* (rel. Aug. 27, 2013); see also 78 FR 61250 (establishing the November 18, 2013 comment date).

³ *In the Matter of Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (“Cramming”), et al.*, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 4436 at ¶47 (rel. Apr. 27, 2012) (“Report and Order”).

in the VoIP industry to determine whether action may be appropriate.⁴ The Commission further added “to the extent that cramming issues develop for VoIP services, we request that commenters provide us with information about that issue.”⁵ This *Public Notice* does not discuss VoIP or provide any new evidence that there has been any increase in the level of cramming complaints against VoIP service providers.⁶ The NPRM raises VoIP issues only to the extent it seeks comment on “all issues raised in the *Further Notice*.”⁷

DISCUSSION

Though VoIP continue its rapid growth in both the residential and enterprise markets, there has not been any measurable increase in customer cramming complaints related to VoIP services. The Commission’s most recent Local Telephone Competition Report notes that there are now more than 39 million VoIP lines, representing 28% of retail local telephone connections.⁸ This represents a three year compound annual growth rate of 18%.⁹ However, there were only 814 billing-related complaints reported in the first quarter of 2013 (within the broad category of Bundled and VoIP Services; thus it’s unclear how many of these complaints actually were related to VoIP services).¹⁰ Furthermore, only 97 cramming inquiries were reported at the Commission in the first quarter of 2013.¹¹ This reflects the ongoing individual efforts of VoIP providers (without any regulatory fiat) to bill only authorized charges to their customers, and to provide full disclosure of any charges billed. VoIP providers also do not bill

⁴ *Id.*

⁵ *Id.* at ¶146.

⁶ *Public Notice* at 2.

⁷ *See id.*

⁸ *See* Local Telephone Competition: Status as of June 30, 2012 (rel. Jun. 2013), *available at* http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-321568A1.pdf.

⁹ *See id.*

¹⁰ *See* Report of Informal Consumer Inquiries and Complaints, First Quarter – Calendar Year 2013 (rel. Oct. 29 2013), *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db1029/DOC-323746A4.pdf. Because of the way the data is aggregated and reported, it is difficult to tell with any certainty which, if any, of the complaints were filed against VoIP providers and how many were actually cramming complaints.

¹¹ *See* Summary of Top Five Consumer Inquiry Subjects, First Quarter – Calendar Year 2013 (rel. Oct. 29 2013), *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db1029/DOC-323746A3.pdf.

third party charges. In the absence of evidence indicating problems with cramming or billing, the Commission should not burden the VoIP industry with new regulatory obligations intended to solve a problem that does not exist.

CONCLUSION

The Commission should act in accordance with the recommendations herein.

Respectfully submitted

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