

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

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In the Matter of: )

Protecting Consumers from Unauthorized )  
Carrier Changes and Related Charges )

CG Docket No. 17-169

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**COMMENTS OF THE VOICE ON THE NET COALITION**

The Voice on the Net Coalition (“VON”)<sup>1</sup> respectfully files these comments in response to the Commission’s Notice of Proposed Rulemaking (“NPRM”),<sup>2</sup> which seeks comment on whether existing or proposed cramming<sup>3</sup> rules should apply to providers of interconnected Voice over Internet Protocol (“VoIP”).<sup>4</sup> VoIP providers remain steadfast in their efforts to protect consumers from unauthorized third-party charges. Without substantive evidence of any problem, the Commission should continue to refrain from applying cramming rules to interconnected VoIP providers.

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<sup>1</sup> The VON Coalition works to advance regulatory policies that enable Americans to take advantage of the promise and potential of IP enabled communications. VON Coalition members are developing and delivering voice and other communications applications that may be used over the Internet. For more information, see [www.von.org](http://www.von.org).

<sup>2</sup> *Protecting Consumers from Unauthorized Carrier Changes and Related Charges*, Notice of Proposed Rulemaking, CG Docket No. 17-169, FCC 17-91 (rel. Jul. 14, 2017) (“NPRM”); *Consumer and Government Affairs Bureau Announces Comment Dates for Slamming and Cramming Proceeding*, Public Notice, CG Docket No. 17-169, DA 17-773 (rel. Aug. 15, 2017) (establishing the Sept. 13, 2017, comment date).

<sup>3</sup> Cramming is the practice of adding unauthorized charges to consumers’ phone bills. NPRM ¶1.

<sup>4</sup> See NPRM. ¶¶12-14, 18, 25.

## DISCUSSION

Consistent with past proposals and orders issued by the Commission,<sup>5</sup> the NPRM does not provide evidence that interconnected VoIP providers engage in cramming or that this is a problem that warrants a regulatory solution. Indeed, the NPRM does not suggest that there has been any increase in the level of cramming complaints or enforcement actions against VoIP providers. Instead, in the few references to interconnected VoIP, the NPRM states that “the vast majority of complaints and enforcement actions appear to target the billing practices of traditional local exchange carriers, not wireless carriers or interconnected VoIP providers.”<sup>6</sup> Also telling is that, in its discussion of the continuing problem of cramming, the NPRM does not mention VoIP at all.

Though VoIP continues its rapid growth in both the residential and enterprise markets, there has not been any measurable increase in customer cramming complaints related to VoIP. The Commission’s most recent voice telephone services competition report indicates that there were more than 60 million interconnected VoIP subscriptions as of June 2016, representing 49% of wireline retail voice telephone service connections.<sup>7</sup> Despite the prevalence of interconnected VoIP lines, analysis of the Commission’s informal consumer complaint data reveals that out of the 6,807 consumer complaints for slamming and cramming in 2016, only 117 were related to

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<sup>5</sup> See *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, FCC 12-42 ¶ 47 (rel. Apr. 27, 2012) (“we find that the record does not demonstrate a need for rules to address cramming for . . . VoIP customers at this time.”); see also *Access One, Inc.*, Order, 29 FCC Rcd 9323, 9324, ¶ 4 (2014) (citing *IP-Enabled Services*, Notice of Proposed Rulemaking, 19 FCC Rcd 4863, 4910-11, ¶¶ 71-72 (2004) (seeking comment on whether the slamming or cramming rules should apply to VoIP services) (“The Commission’s carrier change rules have not been extended to VOIP service.”)).

<sup>6</sup> NPRM ¶ 18.

<sup>7</sup> Voice Telephone Services: Status as of June 30, 2016, FCC at 3 (rel. Apr. 2017), [https://apps.fcc.gov/edocs\\_public/attachmatch/DOC-344500A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DOC-344500A1.pdf) (last visited Sept. 1, 2017).

VoIP services.<sup>8</sup> This reflects a mere .0174 percent of the total reported complaints, and even if there is some underreporting as the Commission suggests, it's unlikely to rise to a level of concern for interconnected VoIP. The individual efforts of VoIP providers (without any regulatory fiat) to bill only authorized charges and to protect customers from unauthorized third-party charges speaks to self-policing. As a result, the Commission should not extend existing or proposed cramming rules to interconnected VoIP.

### CONCLUSION

For the foregoing reasons, the Commission should refrain from applying cramming rules to interconnected VoIP providers. There simply is no evidence shown that justifies any other conclusion.

Respectfully submitted,

VOICE ON THE NET COALITION

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<sup>8</sup> See CGB - Consumer Complaints Data Set, *FCC Consumer Complaint Data Center*, <https://opendata.fcc.gov/Consumer/CGB-Consumer-Complaints-Data/3xyp-aqkj> (last visited Aug. 31, 2017).