

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 64****[CC Docket 98-170; FCC 99-72]****Truth-in-Billing and Billing Format****AGENCY:** Federal Communications Commission**ACTION:** Proposed rule.

**SUMMARY:** This document seeks comment on whether several of its truth-in-billing requirements should apply to wireless carriers, and what uniform labels should be used to identify line-item charges resulting from federal regulatory action. This document derives from our order adopting truth-in-billing requirements, released jointly, establishing common-sense billing principles to ensure that consumers are provided with basic information they need to make informed choices among telecommunications services and providers.

**DATES:** Written comments by the public concerning the standardized labels for charges relating to federal regulatory action are due on or before July 9, 1999. Written comments by the public concerning the application of the truth-in-billing principles and guidelines to CMRS carriers are due on or before July 26, 1999. Reply comments concerning the standardized labels for charges relating to federal regulatory action are due July 16, 1999. Reply comments concerning the application of the truth-in-billing principles and guidelines to CMRS carriers are due on or before August 9, 1999. Written comments by the public on the proposed information collections are due July 26, 1999. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collections on or before August 24, 1999.

**ADDRESSES:** Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Washington, D.C. 20554, with a copy to David Konuch, Federal Communications Commission, Common Carrier Bureau, Enforcement Division, Formal Complaints and Investigations Branch, 445 Twelfth Street, S.W., Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 445 Twelfth Street, S.W., Room CY-B400, Washington, D.C. 20554. Comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW, Washington, DC 20554, or via the Internet to jboley@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725-17th Street, N.W., Washington, DC 20503 or via the Internet to tfain@omb.eop.gov.

**FOR FURTHER INFORMATION CONTACT:** David Konuch, Enforcement Division, Common Carrier Bureau. (202) 418-0960. For additional information concerning the information collections contained in this Further Notice of Proposed Rules contact Judy Boley at 202-418-0214, or via the Internet at jboley@fcc.gov.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Further Notice of Proposed Rules in CC Docket No. 98-170, adopted on April 15, 1999 and released on May 11, 1999. The full text of the Further Notice of Proposed Rules, including the Commissioners' statements, is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, S.W., Room CY-257, Washington, D.C. The complete text of this decision may also be purchased from the Commission's duplicating

contractor, International Transcription services, Inc., 445 Twelfth Street, S.W., Room CY-B400, Washington, D.C. 20554.

**Paperwork Reduction Act**

1. This Further Notice of Proposed Rules contains a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this Further Notice of Proposed Rules, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Public and agency comments are due at the same time as other comments on this Further Notice of Proposed Rules; OMB notification of action is due 60 days from date of publication of this Further Notice of Proposed Rules in the **Federal Register**. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**OMB Approval Number: None**

**TITLE:** Standard labels for Charges Associated with Federal Regulatory Requirements/CMRS Carriers' Truth-in-Billing Requirements.

**FORM NO.:** N/A.

**TYPE OF REVIEW:** New collection.

**RESPONDENTS:** Business or other for-profit.

**NUMBER OF RESPONDENTS:** 3,099.

Collection	Number of respondents	Hours per response	Total annual burden
Standard Labels for Charges Associated with Federal Regulatory Requirements .....	3099	.5	1549.5
CMRS Truth-in Billing Requirements .....	804	81	65,124

Total Annual Burden: 66,673.5.

Estimated costs per respondent: \$0.

**Needs and Uses:** This information collection reflects two discrete aspects. First, the collection includes third party disclosure requirements associated with the Commission's requirement that telephone bills use standard industry-wide labels to describe any line-item charges associated with federal regulatory action. Uniform labelling will

ensure that consumers are able to understand the nature of the charges and enable them to compare accurately the price of telecommunications services offered by competing carriers. The estimated time per response associated with standard labels is .5 hours.

This collection also reflects third party disclosure requirements that may be imposed on CMRS carriers if the

Commission decides to end these carriers' exemption from certain Truth-in-Billing rules. The estimated time per response associated with the information collection requirements that might be extended to CMRS carriers is 81 hours.

**Initial Regulatory Flexibility Analysis**

As required by the RFA, the Commission has prepared this present

IRFA of the possible, significant, economic impact on small entities of the policies and rules proposed in this Further Notice of Proposed Rules. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Further Notice of Proposed Rules provided below in section IV(E). The Commission will send a copy of this Further Notice of Proposed Rules, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the Further Notice of Proposed Rules and IRFA (or summaries thereof) will be published in the **Federal Register**.

2. *Need for, and Objectives of, the Proposed Rules.* This Further Notice of Proposed Rules seeks comment on a specific proposed rule concerning labelling of charges relating to federal regulatory action. In addition, the Further Notice of Proposed Rules seeks comment on whether certain of our truth-in-billing requirements should be applicable to CMRS carriers. The proposals made in this Further Notice of Proposed Rules are necessary to ensure that consumers receive clear and accurate telecommunications bills.

3. *Legal Basis.* The proposed action is authorized under sections 4(i) and 4(j), 201, 208, 254 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201, 208, 254, and 303(r).

4. *Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply.* For purposes of this Further Notice of Proposed Rules, the Regulatory Flexibility Act defines a "small business" to be the same as a "small business concern" under the Small Business Act (SBA), 15 U.S.C. 632, unless the Commission has developed one or more definitions that are appropriate to its activities. Under the SBA, "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the SBA. In the FRFA pertaining to this action, we described in detail the small entities potentially subject to the rules adopted in this Order. These same entities possibly would be affected by the proposal made in this Further Notice of Proposed Rules. For purposes of this IRFA, therefore, we incorporate the list of potentially affected entities contained in section IV(A)(3).

5. *Description of Projected Reporting, Recordkeeping and Other Compliance Requirements.* We seek comment on a

proposal designed to increase the accuracy and understandability of telephone bills to consumers. Comment is requested on a proposal to require uniform labels on line-item charges resulting from federal regulatory action.

6. *Federal Rules that may Duplicate, Overlap, or Conflict with the Proposed Rule.* None.

7. *Any significant alternatives minimizing impact on small entities and are consistent with stated objectives.* None.

## Summary of Further Notice of Proposed Rules

### I. Application of Rules to CMRS Carriers

8. As we indicated in the Order, we seek comment on whether the remaining truth-in-billing rules we adopt in the wireline context should apply to CMRS carriers. More specifically, we seek comment on whether such rules should be imposed on CMRS carriers in order to protect consumers. As we stated in the Order, we believe that all consumers expect and should receive bills that are fair, clear, and truthful. However, absent evidence that there is a problem with wireless bills, it might not be necessary to apply the remaining rules in the CMRS context. Commenters may wish to address the applicability of a section 10 forbearance analysis. Those commenters who wish to apply such an analysis should address the specific elements of the standard set forth in section 10. We also seek comment on the extent to which the presence of a competitive market is relevant to consumers' ability to protect themselves from the harms we address here.

9. We also note growing evidence that some consumers are substituting wireless for wireline service. To what extent does this phenomenon affect our application of our guidelines to wireless providers? We also seek comment more generally on the benefit that consumers would derive from application of certain of the guidelines relative to the burden that such application would impose on CMRS carriers. First, as we indicated in the Order, all consumers are entitled to fair, clear, and reasonable practices. We seek comment on how to implement this principle in the CMRS context. For instance, we seek comment on the current billing practices of CMRS providers, including the types and descriptions of charges CMRS providers include in their bills.

10. Second, we seek comment on whether identifying new service providers and "deniable" charges makes sense in the wireless context. For example, because CMRS carriers are

excluded from equal access obligations, it appears that CMRS carriers will rarely if ever be required to indicate a new long distance service provider on the bill. Similarly, CMRS carriers indicate in their comments that, unlike the practice in connection with billing for wireline carriers that can give rise to cramming, CMRS carriers do not at this time include charges for services rendered by third party entities. We seek comment on these assertions. Do CMRS providers bill for any other service providers? If so, for what types of services and how pervasive are these billing practices? Likewise, CMRS carriers, as non-LECs, that do their own billing do not have to distinguish between "deniable" and "nondeniable" charges because non payment of charges on a CMRS bill would not result in termination of basic local wireline service. Therefore, our guideline to identify "deniable" charges may have no relevance, and add no benefit, to consumers' CMRS bills.

### II. Standard Labels for Line-Item Charges

11. As discussed in section II(C)(2)(c), we adopt the guideline that carriers must use standardized labels to refer to certain charges relating to federal regulatory action. We seek comment, however, on the specific labels that carriers should adopt. We tentatively conclude that the following labels would be appropriate: "Long Distance Access" to identify charges related to interexchange carriers' costs for access to the networks of local exchange carriers; "Federal Universal Service" to describe line items seeking to recover from customers carriers' universal service contributions; and "Number Portability" to describe charges relating to local number portability. We tentatively conclude that such labels will adequately identify the charges and provide consumers with a basis for comparison among carriers, while at the same time be sufficiently succinct such that most carriers will be able to use them without requiring that they modify the field lengths of their current billing systems. We seek comment on these tentative conclusions. In addition, we seek comment on alternative labels, or appropriate abbreviations for the labeling of these charges. For example, the Florida Commission suggests the terms "Federal Long Distance Access Fee," "FCC Long Distance Access Fee," or "Interstate Long Distance Access Fee" to identify access charges, and "Federal Universal Service Fee," "FCC Universal Service Fee," or "Interstate Universal Service Fee" for universal service related charges. Commenters

should explain the merit and basis for their proposed labels, including, for example whether their proposals were chosen or evaluated by consumer focus groups. Indeed, we believe that consumer groups, with input from industry, can contribute greatly to our consideration of the appropriate labels. Finally, we seek comment on how carriers should identify line items that combine two or all of these charges into a single charge. We encourage parties to attempt to reach consensus on the appropriate labels.

### III. Procedural Matters

12. Interested parties may file comments concerning the standardized labels for charges relating to federal regulatory action no later than 14 days after publication of this Further Notice of Proposed Rules in the **Federal Register**. Parties shall file comments concerning application of the truth-in-billing principles and guidelines to CMRS carriers no later than 30 days after publication of the Further Notice of Proposed Rules in the **Federal Register**. Parties may file reply comments no later than 21 days after publication of the Further Notice of Proposed Rules in the **Federal Register** concerning charges relating to federal regulatory action, and no later than 45 days after **Federal Register** publication concerning the CMRS issues raised in the Further Notice of Proposed Rules. Comments will be limited to 15 pages, not including appendices. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24,121 (1998).

13. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must

transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply.

14. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, The Portals, 445 Twelfth Street, S.W., Washington, D.C. 20554.

15. Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to David Konuch of the Common Carrier Bureau's Enforcement Division, The Portals, 445 Twelfth Street, S.W., Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows or compatible software. Spreadsheets should be saved in an Excel 4.0 format. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labelled with the commenter's name, proceeding (including the docket number in this case [CC Docket No. 98-170]), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy—Not an Original." Each diskette should contain only one

party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., The Portals, Rm. CY-B400, 445 Twelfth Street, S.W., Washington, D.C. 20554.

16. For further information concerning this proceeding, contact David Konuch, Enforcement Division, Common Carrier Bureau at (202) 418-0199 (voice), (202) 418-0485 (TTY).

17. Alternate formats (computer diskette, large print, audio cassette and Braille) are available to persons with disabilities by contacting Martha Contee at (202) 418-0260 (voice), (202) 418-2555 (TTY), or at [mcontee@fcc.gov](mailto:mcontee@fcc.gov). The First Report and Order and Further Notice of Proposed Rules can be downloaded in WP or ASCII text at: <http://www.fcc.gov/df/>.

### IV. Ordering Clauses

18. Accordingly, *It is ordered*, pursuant to sections 1, 4(i) and (j), 201-209, 254, and 403 of the Communications Act, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 201-209, 254, and 403, that this Further Notice of Proposed Rules *Is hereby adopted* and comments *Are requested* as described above.

19. *It is further ordered* that the Commission's Office of Public Affairs, Reference Operations Division, *Shall send* a copy of this Further Notice of Proposed Rules, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

### List of Subjects in 47 CFR Part 64

Communications common carriers, Consumer protection, Telecommunications.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

[FR Doc. 99-16224 Filed 6-24-99; 8:45 am]

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