

FCC'S CGB Seeks Comment to Address "Bill Shock"

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The FCC's Consumer and Governmental Affairs Bureau (CGB) has launched an initiative on "bill shock"—the experience of receiving an unexpectedly high wireless telephone bill. See Public Notice, CG Docket No. 09-158, DA 10-803 (rel. May 11, 2010). The FCC seeks comment on the feasibility of instituting usage alerts and cut-off mechanisms similar to those required under the European Union (EU) regulations, adopted in June 2009, that would provide wireless voice, text, and data consumers in the U.S. a way to monitor, on a real-time basis, their usage of a wireless communications service, as well as the various charges that they may incur in connection with such usage.

The EU's "bill shock" provisions—which the FCC seeks to basically follow—are designed to ensure that a consumer is fully aware of the roaming charges he or she is incurring so that the consumer does not receive a higher-than-expected bill for these services. Under these EU regulations, when a wireless consumer places a voice call or text messages in an EU market other than the consumer's home market, the consumer's home market provider must send the consumer, free of charge, a text message detailing roaming prices for sending and receiving voice calls and text messages. The consumer may elect not to receive this automatic notification service, but the service must be provided again, free of charge, upon request by the consumer. The new EU regulations also require that wireless providers notify a consumer using a data roaming service when the consumer has reached 80% of an agreed-upon limit. When a consumer exceeds the established monetary or volume roaming limit, the provider must send another notification explaining the applicable costs and procedures if the consumer wishes to continue using the roaming data services. At that point, the provider must cease providing the service pending further instructions from the consumer.

In addition to seeking comment on the feasibility of instituting usage alerts and cut-off mechanisms, the FCC also seeks comment on the extent to which consumers in the U.S. currently have the means at their disposal to monitor their wireless usage and are fully aware of the consequences of exceeding their predetermined allocations of voice minutes, text message limits, or data usage.

Comments in this proceeding are due 45 days after publication in the Federal Register. Reply comments are due 60 days after publication in the Federal Register.