

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Strengthening Customer Service in the
Communications Industry
CG Docket No. 24-472

NOTICE OF INQUIRY

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By the Commission: Commissioners Carr and Simington dissenting; Chairwoman Rosenworcel and
Commissioners Carr, Starks and Gomez issuing separate statements.

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I. INTRODUCTION

1. Dealing with customer service should be easy. But all too often consumers of
communications services cannot get help without navigating a complex maze of chatbots and other
automated tools, experiencing delays that leave them exhausted and no closer to resolving their problem.
Consumers can even be deterred from or delay switching services, which in turn harms the marketplace.

2. We thus initiate this inquiry on ways to ensure that consumers have appropriate access to
the customer service resources they require to interact with their service provider in a manner that allows
them to efficiently resolve issues, avoid unnecessary charges, and make informed choices regarding the

services they obtain from these service providers.¹ We inquire about initiatives that could not only take some of the pain out of routine customer service problems, but also advance consumer choice by making it easier to change providers when they are frustrated. Advances in technology have brought an abundance of customer service options that promote efficiency and cost savings, and we applaud those developments. At the same time, consumers deserve the ability to resolve problems quickly and easily, and in a way that suits their needs. Accordingly, we seek information on how to best balance those two goals.

II. BACKGROUND

A. FCC Customer Service Initiatives

3. *Cable Operator Services.* In the Cable Television Consumer Protection and Competition Act of 1992 (1992 Cable Act), Congress, in order to “provide increased consumer protection,” amended section 632 of the Act to grant the Commission authority to adopt customer service standards for cable operators.² In doing so, Congress mandated that the Commission establish baseline federal standards that state and local governments could adopt and enforce. The legislative history of the 1992 Cable Act explains that Congress considered cable operators’ customer service “an area of paramount concern,” and intended for the customer service provisions to guarantee a minimum level of consumer protection against poor customer service by those providers.³ The standards adopted by the Commission were designed to be enforced at the local level, primarily by franchise authorities.⁴ At the same time, the Commission noted, the Act permits state and local governments, including franchise authorities, to establish and enforce customer service requirements for cable operators that exceed the standards set by the Commission.⁵

4. Section 632(b) of the Act directs the Commission to “establish standards by which cable operators may fulfill their customer service requirements.”⁶ The legislative history of section 632 defines “customer service” as, in general, “the direct business relation between a cable operator and a

¹ Unless otherwise indicated herein, the term “service provider” will refer collectively to cable operators, Direct Broadcast Satellite providers, voice service providers, and broadband service providers.

² Cable Television Consumer Protection and Competition Act, Pub. L. No. 102-385, § 8, 106 Stat. 1460 (1992); 47 U.S.C. § 552(b).

³ House Committee on Energy and Commerce, H.R. REP. 102-628, at 34-37, 105 (1992) (1992 Cable Act House Report); Senate Committee on Commerce, Science and Transportation, S. REP. 102-92, at 1, 3 (1992).

⁴ See *Implementation of Section 8 of the Cable Television Consumer Protection Act and Competition Act of 1992 Consumer Protection and Customer Service*, MM Docket No. 92-263, Report and Order, 8 FCC Rcd 2892, 2897, para. 19 (1993) (*Cable Operator Customer Service R&O*); see also 47 CFR § 76.309(a) (“A cable franchise authority may enforce the customer service standards set forth in paragraph (c) of this section against cable operators. The franchise authority must provide affected cable operators ninety (90) days written notice of its intent to enforce the standards.”).

⁵ *Cable Operator Customer Service R&O*, 8 FCC Rcd at 2895, para. 10 (“Sections 632(a) and (c) preserve the ability of local governments to exceed the FCC standards through the franchising or regulatory process when additional obligations are deemed necessary.”); 47 U.S.C. § 552(a), 552(d)(2); see also 47 CFR § 76.309(b)(1)-(4) (“Nothing in this rule should be construed to prevent or prohibit: (1) A franchising authority and a cable operator from agreeing to customer service requirements that exceed the standards set forth in paragraph (c) of this section; (2) A franchising authority from enforcing, through the end of the franchise term, pre-existing customer service requirements that exceed the standards set forth in paragraph (c) of this section and are contained in current franchise agreements; (3) Any State or any franchising authority from enacting or enforcing any consumer protection law, to the extent not specifically preempted herein; or (4) The establishment or enforcement of any State or municipal law or regulation concerning customer service that imposes customer service requirements that exceed, or address matters not addressed by the standards set forth in paragraph (c) of this section.”).

⁶ 47 U.S.C. § 552(b).

subscriber.”⁷ The statute requires that, at a minimum, the Commission set standards addressing: cable system office hours, telephone availability, installations, outages, service calls, and communications between the cable operator and subscriber, including billing and refunds.⁸ In 1993, the Commission implemented this mandate in section 76.309 of its rules, adopting a single set of customer service requirements for cable operators in the areas Congress specified.⁹ At that time, the Commission declined to adopt any additional standards in areas not specified in the statute.¹⁰ However, the Commission reserved the right to revise and supplement the standards “to ensure that customer service satisfaction is achieved nationwide.”¹¹

5. *Direct Broadcast Satellite (DBS) Provider Services.* With regard to DBS providers, section 303(v) of the Act grants the Commission “exclusive jurisdiction to regulate the provision of direct-to-home satellite services,”¹² and section 335(a) provides broad statutory authority to the Commission to impose “public interest or other requirements for providing video programming” on DBS providers.¹³ While the Commission has not adopted as many customer service obligations for DBS providers as it has for cable operators, the Act does afford the Commission this authority. For example, the Commission has recently adopted billing and marketing requirements for DBS providers relying, in part, on its section 335(a) authority.¹⁴ The Commission has also proposed using its section 335(a) authority to adopt rules prohibiting DBS providers from imposing early termination fees (ETFs) and

⁷ House Committee on Energy and Commerce, H.R. REP. 98-934, at 79 (1984) (1984 Cable Act House Report).

⁸ 47 U.S.C. § 552(b).

⁹ 47 CFR § 76.309(c)(1) (addressing cable system office hours and telephone availability), 76.309(c)(2) (addressing installations, outages, and service calls), 76.309(c)(3) (addressing communications between cable operators and cable subscribers); *Cable Operator Customer Service R&O*, 8 FCC Rcd at 2901, para. 34 (“[W]e are adopting a single set of federal customer service standards which deal with the specific areas set out in section 632(b).”). Rather than tailor customer service standards based on the size of cable systems, the Commission found that the better approach would be to adopt standards flexible enough to apply to cable systems of varying sizes and to allow small cable systems to seek a waiver of the standards if they found that compliance with one or more of the standards would be too onerous. *Cable Operator Customer Service R&O*, 8 FCC Rcd at 2895, para. 11.

¹⁰ *Cable Operator Customer Service R&O*, 8 FCC Rcd at 2907, para. 69.

¹¹ *Id.* In 1999, the Commission revised and streamlined the customer notification requirements previously in section 76.309, along with other cable television notice requirements contained throughout Part 76 of the Commission’s rules, and consolidated them into a newly created Subpart T. *1998 Biennial Regulatory Review – Streamlining of Cable Television Services Part 76 Public File and Notice Requirements*, CS Docket No. 98-132, 14 FCC Rcd 4653, 4655-58, paras. 7-11 (1999). The customer notification requirements previously in section 76.309 can now be found in sections 76.1602, 76.1603, and 76.1619. 47 CFR § 76.1602 (notification requirements for cable operators with regard to operator obligations to subscribers and general information to be provided to customers annually regarding service); 47 CFR § 76.1603 (subscriber notification requirements governing rate and service changes); 47 CFR § 76.1619 (notification requirements for cable operators with regard to subscriber bill information and operator response procedures pertaining to bill disputes). We do not seek comment on these customer notification requirements in this proceeding.

¹² 47 U.S.C. § 303(v).

¹³ 47 U.S.C. § 335(a).

¹⁴ *All-In Pricing for Cable and Satellite Television Service*, Report and Order, MB Docket No. 23-203, 2024 WL 1236499, at *17-18, para. 37-39 (2024) (*All-In Pricing R&O*) (concluding that the Commission can rely on section 335(a) authority to adopt billing and marketing requirements for DBS providers that serve the public interest). We note that in this order the Commission also relied in part on section 632 to adopt billing and marketing requirements for cable operators.

billing cycle fees (BCFs) on subscribers who cancel their service prior to the contract expiration date or the end of their billing period.¹⁵

6. *Telecommunications Services.* In 1999, the Commission adopted “truth-in-billing” requirements to address growing consumer confusion related to billing for telecommunications services and an increasing number of entities taking advantage of this confusion.¹⁶ In relevant part, these rules require telephone bills to contain clear and conspicuous disclosure of any information the consumer may need to make inquiries about or to contest charges on the bill, including requiring common carriers to “prominently display on each bill a toll-free number or numbers by which subscribers may inquire or dispute any charges on the bill.”¹⁷ The truth-in-billing rules also prohibit carriers from placing on the bill “any telephone bill charges that have not been authorized by the subscriber.”¹⁸

7. In 2009, the Commission launched a broad inquiry exploring how it might protect and empower consumers to pick the best communications services and plans to fit their needs.¹⁹ The *Consumer Information NOI* sought comment on potential opportunities to protect and empower consumers by ensuring access to relevant information about communications services.²⁰ On the issue of customer service practices, the Commission sought comment on “whether customers are able effectively and in a timely manner to dispute charges on their bills with their service provider when they call the toll free number provided on the bill.”²¹

8. In response to that request, some commenters noted the difficulties faced by individuals with disabilities or communication barriers in gaining access to customer service information from their service provider.²² Several commenters suggested that disclosures of trial periods were inadequate and

¹⁵ *Cable Operator and DBS Provider Billing Practices*, Notice of Proposed Rulemaking, MB Docket No. 23-405, 2023 WL 8782362, at *5, para. 10 (2023) (*Cable and DBS Billing Practices NPRM*) (tentatively finding that imposing restrictions on early termination and billing cycle fees are in the public interest and tentatively concluding that the Commission may regulate such practices pursuant to its section 335(a) authority to impose public interest requirements on DBS providers and pursuant to its section 632 authority to establish customer service standards for cable operators).

¹⁶ *Truth-in-Billing and Billing Format*, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 98-170, 14 FCC Rcd 7492 at 7493-94, para. 1 (1999) (*First Truth-in-Billing Order*) (“In this Order, we undertake common-sense steps to ensure that consumers are provided with basic information they need to make informed choices in a competitive telecommunications marketplace, while at the same time protecting themselves from unscrupulous competitors”).

¹⁷ See 47 CFR § 64.2401(d).

¹⁸ *Id.* § 64.2401(g).

¹⁹ See *Consumer Information and Disclosure; Truth-in-Billing and Billing Format; IP-Enabled Services*, CG Docket No. 09-158, CC Docket No. 98-170, WC Docket No. 04-36, 24 FCC Rcd 11380 (2009) (*Consumer Information NOI*).

²⁰ *Id.* at 11387, para. 16.

²¹ *Id.* at 11397, para. 50 (seeking information on issues such as “[w]hat hours are call centers open to respond to customer inquiries and complaints? What is the process for consumers who are trying to cancel service, dispute a bill or change their service?”).

²² See, e.g., American Association of People with Disabilities Comments, CG Docket No. 09-158, at 7 (“[w]hile some service providers offer clear ways for consumers with disabilities to request information or dispute their bills, there are too many instances that we hear about of consumers with disabilities being given ‘the runaround’ or being ‘handed off’ when the initial contact should have and could have resolved the concern”) (filed Oct. 13, 2009); Telecom for the Deaf *et al.* Comments, CG Docket No. 09-158, at 2-3 (indicating that a deaf or hard of hearing individual who uses relay service to call a service provider may be frustrated more than others when trying to navigate through phone tree menus and interactive voice systems) (filed Oct. 13, 2009).

led to surprise price increases following the expiration of such trials periods.²³ In contrast, however, industry commenters argued that additional disclosures or customer service measures are unnecessary and burdensome due to the incentives of the competitive marketplace.²⁴

B. National Consumer Protection Week 2024 – Customer Service Practices

9. On March 1, 2024, the President issued a Proclamation declaring March 3, 2024 through March 9, 2024, “National Consumer Protection Week,” and called upon government officials, industry leaders, and advocates across the Nation to share information about consumer protection and provide our citizens with information about their rights as consumers to defend themselves from predatory acts.²⁵ As part of the Proclamation, the President noted that difficult cancellation processes for subscription services can lead to unwanted charges.²⁶

C. Federal Trade Commission – Negative Option Rule

10. On April 24, 2023, the Federal Trade Commission (FTC) sought comment on proposed amendments to the FTC’s Rule Concerning Subscriptions and Other Negative Option Plans that are designed to combat unfair or deceptive practices that include recurring charges for products or services consumers do not want and cannot cancel without undue difficulty.²⁷ The FTC indicates that negative option offers come in a variety of forms, but all share a central feature: each contain a term or condition that allows a seller to interpret a customer’s silence, or failure to take an affirmative action, as acceptance of an offer.²⁸

11. The FTC’s current rule covers prenotification plans – in which sellers send periodic notices offering goods to participating consumers and then send and charge for those goods only if consumers take no action to decline the offer – and it requires prenotification plan sellers to disclose their plan’s material terms clearly and conspicuously before consumers subscribe.²⁹ The FTC has sought comment on various proposals, including amendments to the existing rules to further address disclosures, consumer consent, and cancellation of service with respect to negative option plans.³⁰ Several commenters in that proceeding expressed particular problems with free trials or trial conversions. For example, according to the State AG commenters, advertisements often lure consumers by promising a

²³ See, e.g., Montgomery County Comments, CG Docket No. 09-158, at 1; Texas PUC, CG Docket No. 09-158, Comments at 10-11 (filed Oct. 13, 2009); Utility Consumers’ Action Network Comments, CG Docket No. 09-158, at 1-3 (filed Oct. 13, 2009).

²⁴ See, e.g., AT&T Comments, CG Docket No. 09-158, at 17-20 (filed Oct. 13, 2009); CTIA Comments, CG Docket 09-158, at 20 (filed Oct. 13, 2009); Verizon Comments, CG Docket 09-158, at 6 (filed Oct. 13, 2009).

²⁵ Pres. Proc. No. 10707, 89 FR 15949. Biden, Joseph R., Jr. “*A Proclamation on National Consumer Protection Week, 2024.*” March 1, 2024, Government Printing Office, <https://www.govinfo.gov/app/details/DCPD-202400157> (last visited Mar. 26, 2024).

²⁶ *Id.* at para. 4.

²⁷ See Federal Trade Commission, Proposed Rule, 88 Fed. Reg. 24716 (Apr. 24, 2023) (*FTC Negative Option Proposal*).

²⁸ *Id.* (citing example of trial marketing where consumers receive goods or services for free (or at a nominal fee) for a trial period. After the trial period, sellers automatically begin charging a fee (or higher fee) unless consumers affirmatively cancel or return the goods or services).

²⁹ 16 CFR § 425.1(a)(1)(i)-(vii). The FTC’s rule enumerates seven material terms sellers must disclose: (1) how subscribers must notify the seller if they do not wish to purchase the selection; (2) any minimum purchase obligations; (3) the subscribers’ right to cancel; (4) whether billing charges include postage and handling; (5) that subscribers have at least ten days to reject a selection; (6) that if any subscriber is not given ten days to reject a selection, the seller will credit the return of the selection and postage to return the selection, along with shipping and handling; and (7) the frequency with which announcements and forms will be sent.

³⁰ See generally, *FTC Negative Option Proposal*.

“free” benefit while failing to clearly and conspicuously disclose future payment obligations.³¹ In addition, several commenters provided specific recommendations for new cancellation rules, including, for example, that the FTC require businesses to provide a cancellation mechanism that mirrors the customer’s method of enrollment.³²

D. Voluntary Industry Standards

12. In 2003, CTIA – a trade association representing the U.S. wireless communications industry – and a number of wireless carriers voluntarily adopted a “Consumer Code” to facilitate the provision of accurate information to consumers by wireless service providers.³³ The signatory carriers voluntarily agree to take certain steps to disclose rates and terms of service to consumers.³⁴ In relevant part, signatories commit to “provide ready access to customer service.”³⁵

13. Specifically, section 8 of the CTIA Consumer Code provides that: “[c]ustomers will be provided customer service contact information, including a toll-free telephone number to access a carrier’s customer service representatives during normal business hours, both online and on billing statements. Each wireless carrier will also provide customers information about how they can contact the carrier in writing, by toll-free telephone number, via the Internet, or through other means of communication with any inquiries or complaints, and this information will be included, at a minimum, on all billing statements, in written responses to customer inquiries, on carriers’ websites, and upon request, to any customer calling the carrier’s customer service departments.”³⁶

III. DISCUSSION

14. Consumers are frustrated with customer service and often are hindered from managing their service plans, including by disputing charges and cancelling unwanted services, when they lack the ability to communicate in an easy and timely manner with their service providers. Consumers file thousands of complaints with the Commission each year relating to cancellation of service, unavailability of service representatives, and automatic renewal of subscription services.³⁷ As the Commission has confirmed previously, competition and market incentives work most efficiently when consumers know the terms of service before picking a provider, can quickly resolve service and billing issues, and can easily change service providers when they are dissatisfied with their current service provider.³⁸

15. For cable consumers, the Commission more than 30 years ago set forth minimum customer service standards.³⁹ Since then, many local governments have imposed customer service standards on their local cable operators that go further than the minimum standards set by the

³¹ *Id.* at 24721.

³² *Id.* at 24724.

³³ See CTIA – Consumer Code for Wireless Service, <https://www.ctia.org/the-wireless-industry/industry-commitments/consumer-code-for-wireless-service> (last visited Feb. 21, 2024) (CTIA Code).

³⁴ *Id.*

³⁵ *Id.* at sec. 8.

³⁶ *Id.*

³⁷ The Commission has received approximately 22,000 customer service-related complaints since 2022. Specific examples are discussed in more detail below.

³⁸ See, e.g., *Consumer Information NOI*, 24 FCC Rcd at 11387, para. 16.

³⁹ 47 CFR § 76.309; *Cable Operator Customer Service R&O*, 8 FCC Rcd at 2895, para. 10 (“[W]e conclude that the Commission is required to establish baseline customer service standards on which local governments may rely to ensure that the cable systems they regulate provide an adequate level of customer service to cable subscribers.”). These rules apply only to cable operators and not to other multichannel video programming providers.

Commission.⁴⁰ Despite this, the American Customer Satisfaction Index (ACSI) has consistently ranked subscription television service as having one of the lowest customer satisfaction scores out of all industries surveyed since it began ranking traditional subscription TV service as an industry in 2001.⁴¹ Despite recent ACSI surveys showing a cross-industry increase in customer satisfaction overall and some upward movement in the customer satisfaction scores of cable and satellite TV providers, the industry remains one of the lowest ranking industries.⁴² Cable and satellite TV providers underperform video streaming service providers, nearly tying with Internet service providers at the bottom.⁴³

16. In the time since the Commission adopted its cable customer service rules, the ways in which cable operators deliver their service and interact with their customers has changed significantly. In addition to video programming services, cable operators also have become the leading providers of fixed broadband Internet access service, serving approximately two-thirds of U.S. broadband households.⁴⁴ Further, cable operators now offer their subscribers a variety of bundled service packages, with video, mobile service, and broadband among the services commonly bundled together.⁴⁵ For these double- and triple-play subscribers, the level of customer service provided is even more important when subscribers depend on one provider as the source of more than one communications service. Further, over the last several years customer-provider interaction is increasingly happening online, with subscribers able to sign up for service, order equipment to self-install, and pay bills online through providers' websites and through their apps. Despite the changes in consumers' ability to interact with their cable provider,

⁴⁰ See, e.g., Me. Rev. Stat. tit. 30-A, § 3010 (listing “[c]onsumer rights and protection relating to cable television service” for Maine subscribers, including the right to a pro-rated credit or rebate for the last month of service upon cancellation); 18-1 Vt. Code R. § 8.311-8.368 (listing “conduct of business” regulations for cable franchisees, including customer service requirements such as credit for service outages and bill itemization twice a year); 220 Ill. Comp. Stat. Ann. 5/22-501 (incorporating the Commission’s current standards and adding additional standards).

⁴¹ American Customer Satisfaction Index, *Subscription Television Service*, <https://theacsi.org/industries/telecommunications-and-information/subscription-tv-service/> (last visited May 1, 2024). See e.g., American Customer Satisfaction Index, *ACSI Telecommunications Study 2022-2023*, 15 (Jun. 6, 2023), https://theacsi.org/wp-content/uploads/2023/06/23may_Telecom-STUDY.pdf; American Customer Satisfaction Index, *ACSI Telecommunications Study 2021-2022*, 14 (Jun. 7, 2022), https://theacsi.org/wp-content/uploads/2022/08/22jun_TELECOM-STUDY.pdf (last visited Apr. 11, 2024).

⁴² American Customer Satisfaction Index, *U.S. Overall Customer Satisfaction* (Nov. 7, 2023), <https://theacsi.org/theacsi-difference/us-overall-customer-satisfaction/>; American Customer Satisfaction Index, *ACSI Telecommunications Study 2022-2023*, 15 (Jun. 6, 2023), https://theacsi.org/wp-content/uploads/2023/06/23may_Telecom-STUDY.pdf (last visited Apr. 11, 2024); American Customer Satisfaction Index, *ACSI Telecommunications Study 2021-2022*, 14 (Jun. 7, 2022), https://theacsi.org/wp-content/uploads/2022/08/22jun_TELECOM-STUDY.pdf (last visited Apr. 11, 2024).

⁴³ American Customer Satisfaction Index, *Subscription Television Service*, <https://theacsi.org/industries/telecommunications-and-information/subscription-tv-service/> (last visited Jan. 21, 2024); American Customer Satisfaction Index, *Video Streaming Service*, <https://theacsi.org/industries/telecommunications-and-information/video-streaming-service/> (last visited Jan. 21, 2024); American Customer Satisfaction Index, *Wireless Phone Service*, <https://theacsi.org/industries/telecommunications-and-information/wireless-phone-service/> (last visited Jan. 21, 2024); American Customer Satisfaction Index, *Internet Service Providers*, <https://theacsi.org/industries/telecommunications-and-information/internet-service-providers/> (last visited Jan. 21, 2024).

⁴⁴ John Fletcher, *The History of U.S. Broadband*, S&P Capital IQ (May 9, 2023), <http://www.capitaliq.com>; *2022 Communications Marketplace Report*, 2022 WL 18110553 at *11, para. 30 36 FCC Rcd at 3011-12, para. 99.

⁴⁵ Brian Bacon, *TV Service Bundling 2022*, S&P Capital IQ (Sept. 8, 2022), <http://www.capitaliq.com/> (“When it comes to bundling TV with other services, home broadband is king, with 71% of traditional multichannel TV subscribers indicating their internet service was part of their monthly bill.”); Tony Lenoir, *Cable Double-Play Subscribers Fall for 1st Time in Nearly 4 Years in Q1*, S&P Capital IQ (May 26, 2021), <http://www.capitaliq.com/>.

consumers should still be able to select and switch cable providers quickly and easily when they so choose and resolve service and billing issues efficiently when they arise.

17. Indeed, for all services, technology has fundamentally altered the ways in which customers interact with their service providers, the latest being the burgeoning use of artificial intelligence (AI) technologies that can generate voice and text content to interact with customers. The Commission has not adopted customer service requirements for DBS, voice, and broadband services although consumers of such services face similar challenges in addressing customer service issues as cable subscribers. We thus inquire whether we should review our existing customer service standards for cable operators and explore whether to establish standards for DBS, voice, and broadband service providers. In so doing, we seek comment on whether and how the Commission's customer service standards keep pace with technological and business advancements within the communications industry and are effective in providing subscribers with basic protections. Specifically, we seek information on existing customer service practices, including whether subscribers can cancel service in simple and direct ways, reach a live representative when they have questions or concerns, and avoid automatic renewal of services that they do not wish to retain.

18. While we seek comment on whether we should consider a single set of customer service requirements across the different communications sectors, we do so cognizant that the regulatory background for cable and satellite television is different from that of the other services we address today. For cable, that background includes a history of customer service standards the Commission largely relies on local franchising authorities (LFAs) to administer. In regard to the customer service issues discussed below, we seek comment on how those relate to these existing standards for cable television, along with the unique relationship between those standards and LFAs. In addition, we seek comment on the Commission's authority to address the customer service issues set forth herein.

A. Simple Cancellation

19. It appears that service providers often make it simple to sign up for a service but limit the ability of subscribers to cancel that same service. What is more, some service providers may require subscribers to cancel service by phone on lines with limited operating hours and extended wait times before connecting to a live agent who can process the cancellation request.⁴⁶ Adding such limitation or restrictions to customer service or support hinders the ability of consumers to cancel services, and thereby impairs the functioning of the competitive marketplace by making it difficult to switch service providers. Furthermore, if the consumer has a language barrier or disability, limiting cancellation options may create additional undue hardships.

20. We seek to confirm whether service providers make available simple and direct cancellation methods to their subscribers.⁴⁷ If not, we seek comment on whether there are reasons to explore whether covered service providers should offer more than one mechanism to cancel subscription services, including cancellation mechanisms that mirror any available method that consumers can use to subscribe to the service. For example, if a consumer can subscribe to a service using the service provider's website, we seek comment on whether they should also be allowed to cancel their service using the service provider's website ("click-to-cancel"). Alternatively, should service providers allow customers to cancel using the service provider's website in every instance regardless of the methods available to subscribe to the plan?

⁴⁶ See, e.g., Consumer Complaint #5610981 (repeated efforts to reach their service provider to cancel service had failed); Consumer Complaint #6065053 (unable to reach wireless service provider to cancel service); Consumer Complaint #6090779 (unable to cancel service over a two week period due to the inability to get anyone to answer the phone).

⁴⁷ As noted above, unless otherwise indicated herein, the term "service provider" will refer collectively to cable operators, DBS providers, voice service providers, and broadband service providers.

21. We also seek comment on whether service providers clearly and conspicuously disclose how subscription services can be cancelled at the point of sale and on billing statements. If not, are there ways we could better ensure that consumers have reasonable access to the information they require to implement any decision to cancel their existing service in a timely manner? In that regard, we seek comment on whether DBS, voice, and broadband service providers maintain operating hours for customer service phone lines to accommodate customer needs including the ability to process cancellation requests.

22. As part of this inquiry, we seek to confirm the methods by which service providers currently permit consumers to subscribe to their services (*e.g.*, in-person, phone, email, or website) and whether these same methods are available to their subscribers to cancel service. We also seek comment on whether service providers disclose to the consumer how subscription services can be cancelled (*e.g.*, on billing statements, at points of sale, or on websites)?⁴⁸

23. Where a subscriber must cancel service by speaking to a live representative by phone regardless of the method used to subscribe to a service, we seek comment on any limitations imposed on their ability to do so. For example, what are the days and hours of operation when such cancellation requests must be made? How long on average does it take from the time the subscriber calls until they reach a live representative to cancel their service – including any time spent on hold or working through support menus? Are there any specific reasons or benefits from requiring customers to speak with a live representative to cancel service that could not be preserved using other means of cancellation? What options are available for callers with communication barriers to cancel service? Do service providers offer Direct Video Calling (DVC) for subscribers who use American Sign Language (ASL) to reach a service representative who can communicate in ASL?⁴⁹

24. For those service providers that offer subscribers the ability to cancel online or by means other than reaching a live representative by phone such as the use of Interactive Voice Response (IVR) systems, how do these methods compare to cancellation via live representatives in terms of days and hours of availability? For example, are online resources available 24 hours a day, seven days a week? Or are there limitations on when and how cancellation requests can be processed in this context? As discussed further below, are there any accommodations given to individuals with disabilities or non-English speaking consumers to ensure that they can cancel service, such as via a dedicated customer service line, website or other means than reaching a live representative?

25. Have there been any significant industry changes over the last decade that have impacted the ability of subscribers to cancel their service? For example, have technologies advanced to more readily allow consumers to cancel their service by phone or other automated means without having to talk to a live service representative? To what extent, if any, has the recent COVID-19 pandemic or other circumstances had an impact on the ability of service providers to staff customer service lines with live representatives?

26. We also seek comment on any privacy issues that might arise in the service cancellation context. Do service providers routinely collect new information (*e.g.*, reasons for cancellation, interest in alternative services or products), or utilize existing information (*e.g.*, price of service, usage of service), in their attempts to retain subscribers, following cancellation requests? If so, does the collection or use of

⁴⁸ We note that, in 2019, Congress adopted the Television Viewer Protection Act of 2019 (TVPA), which bolstered the consumer protection provisions applicable to multichannel video programming distributors (MVPDs) by adding, among other things, requirements for greater transparency in subscribers' bills. Television Viewer Protection Act of 2019, Pub. L. No. 116-94, 133 Stat. 2534 (2019). The TVPA requires MVPDs to, not later than 24 hours after contracting with a consumer, provide the total monthly charge that a consumer can expect to pay and permit the consumer to cancel without fee or penalty for 24 hours, though it does not specify the means by which consumers should be permitted to cancel. *See* 47 U.S.C. § 562(a)(2)-(3).

⁴⁹ Direct Video Calling is a “telephone customer support operation that enables callers with hearing or speech disabilities to engage in real-time direct video communication in ASL with ASL speakers in a call center operation.” 47 CFR § 64.601(16); for more information, *see* www.fcc.gov/DVC.

such information raise any issues under sections 222, 338(i), or 631 of the Communications Act for telecommunications carriers, satellite carriers, and cable operators respectively? Does the collection or use of such information to retain subscribers fit within exceptions to these provisions that allow for the collection or use of information to “render” a service?⁵⁰ Alternatively, do service providers obtain “approval” or “consent” from their subscribers, in the ordinary course, to collect or use subscriber information for such purposes?⁵¹ Are there differences in service providers’ collection and/or use of subscriber information, depending on the method by which the subscriber attempts to cancel—*e.g.*, are there differences between cancellation via live agent and click to cancel? Should we consider any baseline consumer privacy protections for service cancellations, irrespective of method?

27. The process of returning rented equipment to service providers represents a critical part of cancelling service. Should the process of equipment return upon cancellation be subject to similar standards of disclosure and reasonable methods for the same consumer protection reasons discussed above? Some consumers have complained about the burden of return options presented to them that would require they travel hours to the nearest provider retail location or postal office.⁵² If a consumer received their equipment via mail to their home address, do providers allow them to mail back their equipment from their home address? For example, do service providers provide consumers boxes and return labels for their equipment regardless of whether the equipment was initially mailed, picked up, delivered, or installed by a service technician? If not, to what extent does this hinder the ability of consumers to cancel service? Some providers offer the option to have a technician pick up the equipment for a fee, but availability and fee amounts vary considerably. Should this option be available to consumers and, if so, should the cost be regulated? What, if any, accommodations are made for consumers with disabilities who may be unable to return equipment on their own?⁵³

28. Are there other considerations that we should take into account? For example, how might updated customer service standards regarding cancellation impact smaller entities? Are there less burdensome alternative means that would allow us to ensure that subscribers can request cancellation of service in an easy and timely manner? Should we extend customer service protections to all customers including enterprise customers; or conversely should they be limited to only individual consumer customers? Do customer service issues differ for enterprise customers in such a way that any customer service protections should vary for those customers? Are there ways in which we might work with industry groups to promote voluntary solutions and/or consumer education initiatives to raise awareness of the methods available to cancel subscription services? How effective have voluntary initiatives such as the CTIA Consumer Code been to ensure that customers have access to the customer service resources that they require? What accessible methods of communication for cancellations do service providers offer for subscribers with hearing and speech disabilities? We seek comment on these and any other possible solutions in this context that would advance customer service protections without creating undue burdens on service providers. We also seek comment on the timeframe that would offer affected service providers a reasonable opportunity to comply with any customer service practices we contemplate in this notice.

⁵⁰ See 47 U.S.C. §§ 222(d)(1), 338(i)(3)(B)(i); 551(b)(2)(A).

⁵¹ See 47 U.S.C. §§ 222(c)(1), 338(i)(3)(A); 551(b)(1).

⁵² See, *e.g.*, Consumer Complaint # 6854290 (provider would not send a return label, consumer was forced to spend over four hours driving to retail location and waiting to be served, resulting in lost wages); Consumer Complaint #273111 (consumer felt deceived by not being informed of their provider’s policies for returning equipment upon signing up); Consumer Complaint # 4592749 (consumer was told to take equipment to UPS or FedEx, which would require over an hour drive each way).

⁵³ See, *e.g.*, Consumer Complaint #5653184 (elderly and disabled consumers unable to climb roof to get equipment); Consumer Complaint #6512970 (disabled consumer unable to return equipment without assistance); Consumer Complaint #6241323 (elderly consumer cannot retrieve equipment, provider offered technician to assist for \$95.00).

B. Access to Live Representatives

29. We seek comment on whether service providers offer live customer service representative support by phone within a reasonable timeframe. Consumers are understandably frustrated when they need to speak to a live customer representative to resolve their service or billing issue but are unable to do so because the service provider does not provide access to a live agent or they must wait on hold for extensive periods of time, receive a busy signal, or navigate confusing menu lists to eventually reach a live representative.⁵⁴ We also seek comment on what timeframe would be reasonable, for these purposes.

30. The Commission's rules already require that cable operators maintain an active "local, toll-free or collect call telephone access line," with trained representatives able to respond to callers "during normal business hours," after which time "the access line may be answered by a service or an automated response system, including an answering machine."⁵⁵ The rule also requires that "under normal operating conditions," neither initial call wait time nor transfer time shall exceed 30 seconds, and that callers receive busy signals less than three percent of the time.⁵⁶ The rules also provides that "customer service center and bill payment locations" must be open "at least during normal business hours" in "conveniently located" areas.⁵⁷ Do cable operators meet these obligations? Does this rule address any concern about whether consumers have access to a live agent within a reasonable amount of time? Are aspects of this rule outdated or ineffective, such that we should consider reviewing this rule for cable providers?

31. In effectuating our goal that video, voice, and broadband customers have access to a live agent within a reasonable amount of time, should we consider extending our cable customer service requirements to DBS, voice, and broadband service providers? We seek comment on harmonizing these requirements including what constitutes a "reasonable amount of time" to provide access to a live agent in this context. To what extent do voice, broadband, and satellite TV service providers currently offer access to live customer representative support for consumers, and what are the days and hours of operation for that support? To the extent that service providers offer an option for customers to reach a live representative through their customer support lines, we seek comment on how subscribers gain access to the live representatives. For example, do consumers have the ability to contact a live representative directly and avoid navigating through a menu list of other customer service options before being allowed to speak to a live representative?

32. Should we explore whether to allow customers to dial "0" to reach a live agent? What is the current process consumers have to follow before reaching a live representative? What options are available for consumers to receive a call back, and how can consumers ensure that a call back occurs at a time that is convenient to them? Should there be established expectations about a timeframe in which a consumer may reasonably expect to receive a call back? Once a consumer expresses a desire to be placed in contact with a live representative, what are the average wait times before they can begin to communicate with that representative? Do providers address customer concerns and questions expeditiously, or are customers experiencing extended wait times, or being asked to pay a service fee to skip call wait times? To the extent customers are paying service fees, should we review such fees for potential abuses? Are there any reasons or benefits to the service provider or subscribers from using an alternative means of customer support before reaching a live service representative?

⁵⁴ See, e.g., Consumer Complaint #5316768 (unable to reach service representative by phone); Consumer Complaint #6195229 (unable to reach a live customer service representative and placed on hold for extensive periods of time); Consumer Complaint # 6397170 (no live customer service representative available).

⁵⁵ 47 CFR § 76.309(c)(1)(i).

⁵⁶ 47 CFR § 76.309(c)(1)(ii), (iv).

⁵⁷ 47 CFR § 76.309(c)(1)(v).

33. Here too, we seek comment on privacy issues related to updated customer service requirements regarding access to live representatives. Do service providers, or their vendors, routinely record customer interactions with IVR systems—e.g., to help train those systems? How might their practices change as AI technologies become more commonplace? Likewise, do providers, or their vendors, routinely record conversations between subscribers and live representatives—e.g., for quality assurance, training, or accountability purposes? In either case, are callers afforded notice and the opportunity to consent to such recording? Does that notice or consent disclose the purpose for which the recording may be used (e.g., whether it may be used to train AI systems)? To whom are such recordings disclosed, and how are they maintained, used, processed, etc.? Do such recordings qualify as “proprietary information . . . of customers,” “customer proprietary network information,” or “personally identifiable information” under relevant provisions of the Act? If so, are there baseline privacy protections that we should consider related to customer service calls generally, and specifically to a requirement that providers offer live customer service representative support by phone within a reasonable timeframe? Are there other laws, including Federal or state wiretap or interception laws, that provide sufficient protections in this area?

34. We also seek comment on to what extent, if any, emerging AI technologies would impact a requirement that service providers offer live customer service support. For example, are such technologies currently in use to respond to customer service inquiries that can generate the equivalent of an interaction with a live agent to answer questions concerning the subscriber’s account, including the ability to resolve the consumer’s complaints regarding billing charges and service plans? If so, should the use of such technologies be permitted as a full or partial alternative to providing access to a live service representative? If not, in what time frame do service providers anticipate AI technologies will be able to operate as an equivalent? Should service providers be required to notify customers when they are interacting with an AI technology, and not a live service representative? To what extent does the availability of any self-service or real-time chat options through service provider websites obviate the need to speak with a live service representative?

35. As discussed above, the Commission's truth-in-billing rules already require common carriers to “prominently display on each bill a toll-free number or numbers by which subscribers may inquire or dispute any charges on the bill.”⁵⁸ This provision, however, does not specify that such calls be answered by a live representative or otherwise place parameters on acceptable wait times or busy signals before customers connect to a live representative.

36. Are there specific issues relating to the ability of non-English speaking consumers or individuals with disabilities to reach a live representative that we should be aware of and could address?⁵⁹ For example, do providers currently have customer service lines dedicated to communicating with non-English speaking subscribers or individuals with disabilities, such as DVC support lines for users of ASL and specially trained consumer service agents to handle accessibility-related questions?⁶⁰ If so, how long

⁵⁸ See 47 CFR § 64.2401(d). The rule allows for the toll-free number to be that of “a billing agent, clearinghouse, or other third party, provided such provider possess sufficient information to answer questions concerning the subscriber’s account and is fully authorized to resolve the consumer’s complaints on the carrier’s behalf.”

⁵⁹ In a recent Order, the Commission required covered providers in a different context to accommodate for certain subscriber requests “all the languages in which the covered provider currently advertises its services as well as all formats (e.g., large print, braille, etc.) in which the provider makes its service information available to persons with disabilities”). See *Supporting Survivors of Domestic and Sexual Violence*, WC Docket Nos. 22-238, 11-42, 21-450, Report and Order, FCC 23-96 at para. 63 (2023).

⁶⁰ See, e.g., *Communication Service for the Deaf, Petition for Declaratory Ruling Regarding Direct Video Calling Service*, CG Docket Nos. 10-51 and 03-123, at 3-11 (filed Mar. 31, 2023) (describing how direct video calling to customer service support centers helps overcome the communication difficulties experienced by sign language users); *Telecommunications for the Deaf and Hard of Hearing, Inc. and National Association of the Deaf, Comments of Accessibility Advocacy Organizations*, CG Docket Nos. 10-51 and 03-123, at 4-8 (filed June 5, 2023)

(continued....)

on average does it take for customers to reach a customer service representative on the dedicated line? Do the hours of operation and wait times vary in any significant respect for these consumers in comparison to other customer service lines? What requirements might best balance the need for customers to have an easy means of reaching their provider's customer service representatives, with the business needs and limitations of providers, including smaller entities? For example, if customers signed up for service in a language other than English, should it be a requirement that they have access to customer service representatives in that language?

37. We also seek comment on whether service providers integrate customer service mechanisms to avoid “bouncing” consumers from one menu list to another in a time-consuming effort to obtain resolution of a service or billing issue. A consumer may call a customer service line, and work through the support menu, only to find themselves transferred to another customer service line on which they have to begin anew to work their way through a complex maze of menus repeating their concern each time before they are able to gain access to the customer service mechanism that they require to resolve their issue. Are there ways we might address this issue? What if any options are available in the support menu for consumers with language barriers or disabilities, for example, consumers using telecommunications relay services?

38. How often are consumers transferred from one method of customer service resolution (e.g., chatbot and automated tools) to others in an effort to resolve their issues?⁶¹ Do service providers track the efficiency of the customer service process to ensure that consumers are not trapped in a complex maze of support menus before their issue can be resolved? If not, should service providers allow customers to give feedback on the quality of the customer service they received, including whether their issue was resolved, and whether the representative was knowledgeable about the issue? Would it be helpful for service providers to make such feedback public to allow consumers to assess which service providers are most responsive to customer concerns? During calls consumers may need to state and restate identifying credentials like an account number or security code to proceed with a call. To what extent are customer service mechanisms integrated to avoid requiring consumers to repeat their credentials or concerns multiple times before reaching a resource that can address and resolve their concern?

39. Finally, we seek comment on consumer experiences and expectations regarding physical customer service centers and bill payment locations. Do customers find these centers to be conveniently located and open during normal business hours? If not, should we consider addressing this situation? In that regard, given the widespread availability of online bill pay, do customers continue to use the physical locations for bill payments? If so, to what extent would it be helpful for service providers to offer an option to make payments online or by other options that do not require the customer to travel to a designated service center?

C. Installations, Outages, and Service Calls

40. We seek comment on whether we should review customer service practices regarding installations, outages, and service calls. We also seek comment on the current state of customer service in these areas and whether we should consider reviewing existing standards.

41. The Commission's existing standards for cable operators provide that: (1) “standard installations” will be performed within seven business days after an order is placed; (2) under normal operating conditions, the cable operator will begin working on “service interruptions” promptly and no later than 24 hours after the cable operator becomes aware of the interruption; (3) the “appointment window” for service calls and installations must be at a specified time, or at maximum, a four-hour time block during normal business hours, however “the operator may schedule service calls and other

(describing how DVC can improve the communications experience with customer service centers for sign language users).

⁶¹ “Chatbots” are computer programs that can interact via voice or text with customers.

installation activities outside of normal business hours for the express convenience of the customer;” (4) any operator cancellation of an appointment must occur before the close of business on the business day prior to the scheduled appointment; and (5) representatives of cable operators running late for an appointment must contact and inform the consumer of the delayed arrival and, if necessary, reschedule the appointment at a time convenient for the customer.⁶²

42. Should we consider updating these standards or consider strengthening them? For example, is a four-hour time block for installations still reasonable today? Should we consider whether providers should offer a credit to the consumer’s bill if they fail to attend a scheduled service appointment without appropriate prior notification as required above? Consumers complain about the hardship of making themselves available for service appointments only to have their scheduled service technician not show up.⁶³ Should providers offer options for service times outside of normal business hours for the express convenience of the customer? Given the increase in self-installations by customers, should there be any standards regarding self-installations of cable service, including assistance to customers, should the customer confront difficulties? And should we explore whether it would advance the interests of voice, broadband, and satellite TV subscribers to consider similar standards for those service providers? For example, should we explore key terms as defined in the cable context such as “standard installations,” “interruptions,” “outages,” when applied to other services?⁶⁴ Do these services require the same type of physical, at-home work as cable?

43. Do some providers notify consumers ahead of planned outages or reimburse consumers after outages that extend beyond a certain number of hours in compliance with industry best practices? How strictly do service providers adhere to these practices? Should providers notify consumers ahead of planned disruptions of service?⁶⁵ Should providers offer credits for service interruptions that meet certain criteria?⁶⁶ If so, what considerations should be weighed in determining the criteria for when such credits would be appropriate? With regard to outages, would basic service level restoration standards set expectations for when common problems should be resolved?

D. Automatic Renewal of Service or Price Increases

44. Service providers often advertise discounted trial or promotional periods to entice consumers to subscribe to their services without clearly disclosing future price increases or automatic renewal of such services absent an affirmative act by the subscriber. Consumers who sign up for a trial or promotional period while providing the service provider with a credit card or billing information risk being automatically renewed or unable to unsubscribe because they lack notice that the trial or promotional period is ending and often must affirmatively opt-out to avoid extension of the service.

45. We seek comment on whether service providers interpret a consumer’s silence, or failure to take an affirmative act, as consent to extend a trial period. If so, we seek comment on whether

⁶² 47 CFR § 76.309(c)(2).

⁶³ See, e.g., Consumer Complaint #5737686 (consumer stayed home and missed work, and both appointments were missed); Consumer Complaint #6602371 (consumer lost three days wages to be available for appointments for which technician did not contact or show up); Consumer Complaint #2917617 (consumer unable to communicate with technician and confirm arrival due to being a third party contractor, technician didn’t show and consumer suffered lost wages).

⁶⁴ See 47 CFR § 76.309.

⁶⁵ We note that section 76.1603 provides that cable operators must notify their subscribers “as soon as possible” when service changes occur due to failed retransmission consent or program carriage negotiations. 47 CFR § 76.1603(b).

⁶⁶ The Commission recently proposed adopting rules that would require cable and satellite TV providers to issue rebate credits to subscribers in the event of programming blackouts resulting from failed retransmission consent negotiations or failed non-broadcast carriage negotiations. *Customer Rebates for Undelivered Video Programming During Blackouts*, MB Docket No. 24-20, Notice of Proposed Rulemaking, 2024 WL 212126 (2024).

consumers should be provided with notice and a reasonable opportunity to end any such service before incurring any new or increased cost? The Commission recently adopted customer service requirements for cable and satellite TV providers related to introductory or discount pricing.⁶⁷ Specifically, for introductory or limited duration prices such providers “shall state on subscribers’ bills the date the price ends, by disclosing either the length of time that a discounted price will be charged or the date on which a time period will end that will result in a price change for video programming, and the post-promotion rate 60 and 30 days before the end of any introductory period.”⁶⁸ The rules further require that if providers include price in promotional materials, if “part or all of the aggregate price is limited in time, then the provider must state the post-promotion rate, as calculated at that time, and the duration of each rate that will be charged.”⁶⁹

46. We seek comment on whether similar standards for voice and broadband service providers to obtain the explicit consent of the subscriber to continue service after a trial or promotional period has expired and to provide clear and conspicuous notice to the consumer prior to any proposed increase in subscription costs or service rates resulting from the expiration of any trial or promotional period for that service would benefit subscribers of those services.

47. To what extent do service providers automatically renew services or plans without obtaining any further consent from the subscriber? To the extent that services are automatically renewed, do service providers offer a grace period in which the consumer can opt out of the service without being obligated to pay any increased cost? We seek comment on whether we should consider extension of the requirements included in the *All-In Pricing R&O* for cable and DBS subscribers for voice and broadband service providers.⁷⁰ In the alternative, we seek comment on whether voice and broadband providers should provide subscribers with notice of at least two full billing cycles prior to a proposed increase in subscription costs or service rates. We seek comment on these issues including any specific alternatives that we should consider in this context. Relatedly, our rules specify the timeline for cable operators to issue refund checks and credits to subscribers.⁷¹ Should we consider similar standards for voice, broadband, and satellite TV services?

48. We seek comment on the extent to which service providers offer trial or promotional subscriptions to new or enhanced services that can result in automatic renewal with increased costs to consumers after some specified trial or promotional period. In this context, we seek information on whether service providers require payment information for the initial trial or promotional subscription that allows them to automatically renew and continue to bill subscribers upon the expiration of any such trial or promotional period without further action by the subscriber. Must the subscriber provide consent before being renewed beyond the trial or promotional period, or do subscriptions renew without any further action by the subscriber? When signing up for the trial subscription, do any trial subscriptions offer consumers the option to initially opt-out of automatic renewal? What types of limitations are placed on the customer’s ability to cancel a trial or promotional subscription or enhanced service? For example, can subscribers cancel up to the last minute prior to the expiration of a trial or promotional period? What, if any, advanced notice or reminders are voice and broadband subscribers given that a trial or promotional

⁶⁷ *All-In Pricing R&O*, 2024 WL 1236499, *12-14, paras. 26-30.

⁶⁸ 47 CFR § 76.310(a).

⁶⁹ 47 CFR § 76.310(b). For purposes of this section the term promotional material “includes communications offering video programming to consumers such as advertising and marketing.” *Id.*

⁷⁰ See *All-In Pricing R&O*, 2024 WL 1236499, *12-14, paras. 26-30

⁷¹ 47 CFR § 76.309(c)(3)(i) (requiring that (1) refunds must be issued no later than the customer’s next billing cycle following resolution of the request or thirty days, whichever is earlier, or upon the return of equipment when service is terminated, and (2) credits for service must be issued no later than the customer’s next billing cycle following the determination that a credit is warranted).

period is ending and that they may be subject to increased costs for their service?⁷² If provided with notice, what is the typical timeframe voice and broadband subscribers are given to exercise their ability to cancel the service? Does this notice provide clear instructions on how to cancel such services before the new charges are applicable?

49. Are there benefits to both service providers and consumers that should be taken into consideration in this context where services are automatically renewed without any affirmative act by the subscriber? For example, does automatic renewal allow consumers to receive services seamlessly without the potential for disruption or cancellation if they inadvertently fail to confirm that they wish to continue receiving a service? To what extent is lower trial or promotional period pricing contingent on consumers retaining their service for some period of time beyond the expiration of the trial or promotional period? In circumstances in which service agreements or contractual provisions require the consumer to retain the service beyond the trial or promotional period, how is it made clear to the consumer that the price for such service may increase following the expiration of the trial or promotional period?

50. Are there any other federal or state laws, including bodies of existing contract law, that offer consumers protections from unwanted automatic renewals of services that are applicable in this context? Do any of these laws protect service providers in ways that are inconsistent with the measures discussed herein? If so, are there state laws or contractual precedents that we should consider preempting to ensure that consumer protections are not undermined by these laws? We seek comment on these and any other issues that commenters would like to address, including any alternatives or ways to limit burdens on smaller entities in this context.

E. Individuals with Disabilities and Speakers of English as a Second Language

51. The Commission's accessible customer service rules apply to telecommunications and advanced communications service providers and equipment manufacturers, as well as to manufacturers of covered digital apparatus designed to receive or play back video programming.⁷³ Such providers and manufacturers must provide customer service that is accessible to and "usable" by people with disabilities under sections 255, 303(aa)(1), and 716 of the Act.⁷⁴ The term "usable" is interpreted to mean that documentation, customer service, and technical support provided to consumers must be accessible to people with disabilities.⁷⁵ The Commission requires telecommunications and advanced communications

⁷² As we note above, cable and DBS providers are required to provide 60 and 30 day notice to subscribers on their bills that an introductory or discounted pricing will end. 47 CFR § 76.310(a).

⁷³ "Advanced communications services" are interconnected Voice over Internet Protocol, non-interconnected Voice over Internet Protocol service, electronic messaging service, interoperable video conferencing services, and any audio or video communications service used by inmates for the purpose of communicating with individuals outside the correctional institution where the inmate is held, regardless of technology used. 47 U.S.C. § 153(1).

⁷⁴ 47 U.S.C. §§ 255, 303(aa)(1), 617. In addition, the Commission's rules require accessible information, documentation, and training requirements for MVPDs with respect to video program guides and menus provided by navigation devices pursuant to section 205 of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA). Pub. L. No. 111-260, 124 Stat. 2751, § 205 (2010); 47 U.S.C. § 303(bb). See 47 CFR § 79.108(d) (requiring, among other things, that MVPDs clearly and conspicuously inform consumers about the availability of accessible navigation devices when providing information about equipment options in response to a consumer inquiry about service, accessibility, or other issues, and must have a contact office or person listed on their website that must be able to answer both general and specific questions about the availability of accessible equipment, including, if necessary, providing information to consumers or directing consumers to a place where they can locate information about how to activate and use accessibility features); 79.108(f) (requiring, among other things, that MVPDs ensure access to information and documentation they provide about navigation devices to customers, if achievable, including user guides, bills, installation guides for end-user installable devices, and product support communications, regarding both the product in general and the accessibility features of the product).

⁷⁵ 47 CFR §§ 6.3(l); 7.3(l); 14.21(c), 79.107(a)(5).

service providers and equipment manufacturers to ensure access to information and documentation it provides to its customers, if achievable or readily achievable.⁷⁶

52. We seek comment on ways in which we can improve the accessibility of customer service resources from service providers for individuals with disabilities. We invite comment on the current state of accessible customer service. Is the main customer service telephone line accessible to individuals with disabilities? Are individuals with disabilities able to reach customer service representatives through the main customer service line? To what extent do service providers maintain customer support staff for accessibility by individuals with disabilities? If there are dedicated customer support lines, do customers find that call representatives answering the main customer support line are trained to transfer individuals with accessibility concerns to the dedicated staff? If we were to require providers to allow customers to dial “0” to reach a live agent, should we also require providers to implement alternatives for customers who, because of a disability, cannot dial “0” or speak “zero” into a handset?

53. Do service providers make customer service support available in ASL through DVC?⁷⁷ Is installation, outage, and service information easily accessible to people with disabilities? If not, are there ways that we might facilitate the provision of such information? Furthermore, are there any other customer service areas germane to access for individuals with disabilities for which we should consider baseline standards?

54. Do sections 201, 255, 303, and 716 of the Act or other relevant legal authorities give the Commission authority to adopt additional rules to help ensure that individuals with disabilities have reasonable access to voice and broadband customer service information?⁷⁸ We seek comment on these and any other issues relevant in this context. We also note, for example, that there may be unique privacy interests for individuals with disabilities and non-native-English speakers.⁷⁹ Do service providers track which of their subscribers are individuals with disabilities or English as a Second Language (ESL) speakers—*e.g.*, to facilitate more efficient interactions with those subscribers? If so, do the benefits of such tracking outweigh the privacy risks that arise from the collection and maintenance of sensitive information? Does disability or ESL status qualify as protected information under sections 222, 338(i), and 631 of the Act? Are there baseline or heightened protections that we should consider applying to the collection, use, processing, maintenance, or disclosure of information related to a subscriber’s disability or ESL status?

55. Do sections 632 and 335(a) of the Act give the Commission authority to adopt rules to help ensure that people with disabilities have accessible cable customer service?⁸⁰ We invite comment on the current state of accessible customer service for individuals with disabilities. To what extent do providers maintain a dedicated support staff for accessibility services and features, such as closed

⁷⁶ 47 CFR §§ 6.11; 7.11; 14.20(d). Such information and documentation includes user guides, bills, installation guides for end-user installable devices, and product support communications, regarding both the product in general and the accessibility features of the product. 47 CFR §§ 6.11; 7.11; 14.20(d).

⁷⁷ *See supra* note 49.

⁷⁸ 47 U.S.C. §§ 201, 255, 303, 617.

⁷⁹ *See, e.g.*, Office Of Management and Budget, Memorandum for Heads of Executive Departments and Agencies, *Preparing for and Responding to a Breach of Personally Identifiable Information*, M-17-12, at 21 (2016) (noting that sensitivity of PII may be higher for vulnerable populations).

⁸⁰ The statute directed the Commission to adopt standards that at a minimum included requirements governing communications between a cable operator and a subscriber. 47 U.S.C. § 552(b).

captioning,⁸¹ audio description,⁸² and other accessibility features for televisions, set-top boxes, and similar devices?⁸³

56. Regarding ESL speakers, how do all the issues we raise in this NOI impact consumers that do not primarily speak English? Are there other considerations regarding these consumers that we have not included here?

F. Cable-Specific Issues

57. *Local Franchise Authority Developments.* We seek comment on whether and how changes in cable franchising should affect our exploration of cable-specific customer service standards. In addition to the industry changes summarized above, the structure of local franchise authorities has also changed significantly. Since 2005 many states have adopted statewide franchise laws that replaced municipal-level franchise authority with state-level franchise authorities in an effort to facilitate entry by new competitors.⁸⁴ Some states now have only state-level franchise authority,⁸⁵ a few have adopted limited state-level franchising,⁸⁶ and other states offer the cable operator a choice between state or

⁸¹ Closed captioning is generally defined in our rules as “[t]he visual display of the audio portion of video programming.” 47 CFR §§ 79.1(a)(2); 79.4(a)(6); *see also id.* § 79.1(b) (listing closed captioning requirements for televised video programming); *id.* § 79.4 (listing requirements for closed captioning of Internet protocol-delivered video programming); FCC Video Programming Distributors (VPD) Closed Captioning Contact Information at www.fcc.gov/vpdregistry (explaining that all VPDs must provide and maintain current contact information in the VPD Registry for consumers to report closed captioning concerns and complaints).

⁸² Audio description is defined in our rules as “[t]he insertion of audio narrated descriptions of a television program’s key visual elements into natural pauses between the program’s dialogue.” 47 CFR § 79.3(a)(3). *See id.* § 79.3(b)(4)-(5) (listing audio description requirements for MVPDs).

⁸³ Pursuant to the CVAA, the Commission adopted rules in 2015 that require MVPDs to list a contact office or person on their website that must be able to answer both general and specific questions about the availability of accessible equipment, including, if necessary, providing information to consumers or directing consumers to a place where they can locate information about how to activate and use accessibility features. *See* 47 CFR § 79.108(d)(1)(ii); *Accessibility of User Interfaces, and Video Programming Guides and Menus*, MB Docket No. 12-108, Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, 30 FCC Rcd 13914 (2015).

⁸⁴ Dana A. Scherer, *Potential Effect of FCC Rules on State and Local Video Franchising Authorities*, Congressional Research Service, at 9 (Jan. 9, 2020), <https://crsreports.congress.gov/product/pdf/R/R46077>; *see also Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable TV Consumer Protection and Competition Act of 1992*, MB Docket No. 05-311, Third Report and Order, 34 FCC Rcd 6844, 6905, para. 114 & n.426 (2019) (*Section 621 Third Report and Order*).

⁸⁵ *See e.g.*, Ca. Pub. Util. Code § 5840(a) (providing that the California Public Utilities Commission “is the sole franchising authority for a state franchise to provide video service”); Fla. Stat. § 610.102 (designating the Department of State as the franchising authority for a state-issued franchise, and providing that a municipality or county may not grant a new franchise for the provision of video or cable service); Ind. Code Ann. § 8-1-34-16(a)(1) (designating the Indiana Utility Regulatory Commission as “the sole franchising authority . . . for the provision of video service in Indiana”); Mo. Rev. Stat. §§ 67.2679(3)-(4) (requiring a person to obtain state-issued video service authorization, and granting Missouri Public Service Commission exclusive authority to authorize construction or operation of video service network); N.C. Gen. Stat. Ann. § 66-351(a) (granting Secretary of State exclusive franchising authority in the state for “cable service provided over a cable system”); Ohio Rev. Code Ann. § 1332.24(A)(2) (designating director of commerce as the sole franchising authority for video service authorizations in the state); Wis. Stat. Ann. § 66.0420(4) (“ . . . the state is the exclusive franchising authority for video service providers in this state”).

⁸⁶ *See e.g.*, Del. Code Ann. 26 §§ 601 (authorizing the Public Service Commission to grant franchises outside of municipalities), 608 (allowing municipalities to grant franchises subject to Commission review); Nev. Rev. Stat. Ann. § 711.410 (granting exclusive franchising authority to the Secretary of State except in counties with populations under 100,000); W.Va. Code Ann. §§ 24D-1-3(d)-(e) (providing that the Public Service Commission act as the franchising authority in the event local authority elects not to act as the franchise authority).

municipal-level oversight.⁸⁷ We seek comment on how these changes have affected local customer service enforcement. Can cable subscribers easily identify whom to contact about alleged violations of customer service standards? Are there other issues that we should consider given that statewide franchising has become more prevalent since the Commission adopted the current customer service standards?

58. *State of Existing Customer Service Standards.* We seek comment on the current state of cable operator customer service laws generally. To what extent do local franchising authorities adopt and enforce the current federal standards? To what extent and in what respects have they exceeded these standards by adopting additional customer service requirements? Should the fact that cable operators are losing video subscribers be relevant in this proceeding and, if so, how?

59. We also seek comment on whether and how the significant changes in the cable marketplace over the last 31 years should affect our customer service rule. For one, the video programming marketplace has become much more competitive since Congress passed the 1992 Cable Act. While, in the past, consumers might only have had access to one pay television service, today they have access to multiple pay television services as well as online video programming.⁸⁸ Nevertheless, cable operators retain a significant position in the video programming marketplace, with cable video subscriptions totaling approximately 37.5 million nationwide in 2023 for a total of about 67 percent of traditional multichannel video subscriptions.⁸⁹ Despite the prominence of cable in the media marketplace, evidence suggests that some customers have been consistently dissatisfied with their cable providers.⁹⁰

60. *Additional Standards.* We seek comment on what, if any, additional standards we should consider to ensure that the Commission's standards are meaningful and effective in today's marketplace. Section 632(b) directs the Commission to establish standards that "include, at a minimum" requirements for cable operators addressing the three areas discussed above.⁹¹ Previously, the Commission found that these three areas represented "the major areas of customer service based on levels of discontent found by

⁸⁷ See e.g., Ark. Code Ann. § 23-19-203(a) (allowing a video service provider to elect either a local franchise or a certificate of franchise authority issued by the Secretary of State); Ga. Code Ann. § 36-76-3 (allowing a cable service or video service provider to elect negotiating either a local franchise agreement or a franchise agreement in accordance with state and federal law); Idaho Code Ann. §50-3003 (requiring nonincumbent cable service providers to elect a franchise agreement negotiated with a local franchise authority or obtain a state-issued certificate of franchise authority); 220 Ill. Comp. Stat. Ann. § 5/21-301(a) (requiring a cable service provider to obtain either state-issued authorization or local franchise); Iowa Code § 477A.2 (requiring a cable service provider to obtain a certificate of franchise issued by the state or by a municipality).

⁸⁸ See, e.g., *2022 Communications Marketplace Report*, FCC 22-103, 2022 WL 18110553, *79-96 and *100-04, paras. 212-61 and 276-90 (Dec. 30, 2022) (reporting on the video distribution trends and competition, including MVPDs' loss in video subscribers); *Promoting the Availability of Diverse and Independent Sources of Video Programming*, MB Docket No. 16-41, Notice of Inquiry, 31 FCC Rcd 1610, 1610, para. 1 (2016) ("When Congress passed the 1992 Cable Act, the majority of American households had access to only one pay television service, and alternatives to that service were in their incipient stages. By contrast, consumers today can access video programming over multiple competing platforms, and the dominance of incumbent pay TV distributors has eroded.") (footnotes omitted).

⁸⁹ S&P Capital IQ, *U.S. Multichannel Industry Benchmarks*, <https://www.capitaliq.spglobal.com/web/client#industry/multichannelIndustryBenchmarks> (last visited Dec. 18, 2023) (listing cable video subscriptions for 2023 as 37,543,592 and total traditional multichannel video subscriptions for 2023 as 55,750,033).

⁹⁰ See *supra* para. 15.

⁹¹ 47 U.S.C. § 552(b) (listing the minimum areas to be covered by customer service requirements as: "(1) cable system office hours and telephone availability; (2) installations, outages, and service calls; and (3) communications between the cable operator and the subscriber (including standards governing bills and refunds)").

Congress which can be handled on a national level.⁹² Nonetheless, as the Commission has previously determined, the statute’s inclusion of “at a minimum” indicates that the Commission may also establish standards in areas beyond those Congress specified.⁹³ We also ask commenting parties suggesting additional standards to address whether small cable systems should be excluded in whole or part from any such obligations. Consistent with congressional intent, we intend to ensure that the customer service standards remain both reasonable and sufficiently flexible to accommodate the broad range of cable operations.⁹⁴ Are there any best practices, standards or other requirements at the state or local level that should inform a national baseline rule? Commenters should provide specific examples of effective customer service requirements.

61. *Enforcement.* We seek comment on whether the Commission should have a role in the enforcement of any new customer service standards on cable operators it might adopt, concurrently with local franchise authorities.⁹⁵ The Commission previously determined that the statute did not give it a “specific enforcement role.”⁹⁶ Although the Commission at that time relied on the fact that the statute explicitly gave the local franchise authorities an enforcement role, there is nothing in section 632 or its legislative history that precludes the Commission’s ability to enforce its own standards.⁹⁷ Is there any reason why the Commission should not take enforcement action against cable operators itself rather than allow its customer service standards to continue to be enforced primarily by local franchise authorities? In 1993, the Commission observed that customer service requirements can be enforced “most efficiently and appropriately on a local level where such enforcement historically has occurred.”⁹⁸ Is this still true today? Do local authorities have adequate resources to effectively enforce these rules? To the extent the Commission were to enforce its own rules in individual cases, how could it best coordinate enforcement with local authorities? For example, should any enforcement role that the Commission assumes not be intended to preempt or replace local franchise enforcement, but rather to exercise concurrent jurisdiction?

62. We note that the Commission receives informal complaints from consumers about their cable providers through its consumer complaint center.⁹⁹ If the complaint concerns a billing or service issue, the Commission serves the complaint on the cable provider.¹⁰⁰ Would federal enforcement of the cable operator customer service standards help protect consumers in keeping with the goals of section

⁹² *Cable Operator Customer Service R&O*, 8 FCC Rcd at 2897, para. 19.

⁹³ *See supra* para. 4.

⁹⁴ *See* 1992 Cable Act House Report at 105 (“Overall, these standards should be flexible in nature and should allow a local franchising authority to tailor the requirements to meet the needs of the local cable community.”).

⁹⁵ The Commission will enforce any customer service rules imposed on other service providers.

⁹⁶ *Cable Operator Customer Service R&O*, 8 FCC Rcd at 2897, para. 19.

⁹⁷ We note, in this regard, that the Commission did retain enforcement authority to address “systemic abuses that undermine the statutory objectives.” *Cable Operator Customer Service R&O*, 8 FCC Rcd at 2897, para. 19. Moreover, the Commission has broad enforcement authority under the Act. *See* 47 U.S.C. § 151 (directing the Commission to “execute and enforce the provisions of [the Communications] Act”); 47 U.S.C. § 312(b) (authorizing the Commission to order persons to cease and desist from violating any provision of the Act or the Commission’s rules); 47 U.S.C. § 503 (authorizing the Commission to assess a forfeiture penalty for failure to comply with any of the provisions of the Act, or any rule, regulation, or order issued by the Commission under this Act). We note that the Enforcement Bureau, in 2016, entered into a consent decree with Comcast terminating an investigation into its compliance with sections 623(f) and 632(c) regarding the practice of charging cable subscribers for services and equipment that they did not affirmatively request. *See In the Matter of Comcast Corporation*, Order, 31 FCC Rcd 11431, 11431, para. 2 (2016).

⁹⁸ *Cable Operator Customer Service R&O*, 8 FCC Rcd at 2897, para 19.

⁹⁹ *Consumer Complaint Center*, Federal Communications Commission, <https://consumercomplaints.fcc.gov/hc/en-us> (last visited Apr. 11, 2024).

¹⁰⁰ *Id.* The provider has 30 days to respond in writing to the consumer once served with a complaint.

632? If so, what enforcement scheme should the Commission adopt? When the Commission last considered this issue, there were not yet any statewide franchises. Does their existence, some of which do not have enforcement authority, make it more important that the Commission should have the ability to enforce its own rules in individual cases?¹⁰¹ Commenters should explain in detail the legal and practical issues surrounding Commission enforcement of its customer service rules.

G. Waivers

63. We seek comment on how to accommodate service providers for which compliance with any updated customer service standards discussed herein would pose an undue hardship. When adopting the existing rule for cable systems, the Commission declined to adopt a flat exemption but, instead, encouraged small systems to seek a waiver of one or more of the customer service standards if any of the standards could not be accommodated “without an undue adverse impact to subscribers.”¹⁰² We seek comment on what our waiver policy should be for any service provider that finds they cannot comply with one or more of any new or modified standards the Commission may adopt.¹⁰³ For example, should we consider waiver requests based on hardship and consider size as one of the factors in balancing whether the hardship outweighs the negative effect that grant of a waiver would have on subscribers?¹⁰⁴ To the extent we consider size as a controlling factor for waivers, should we create a streamlined financial-hardship waiver for small systems, operators, or companies? If so, how should the Commission define small systems, operators, or companies in this context? In regard to cable service, should the Commission retain the definition of “small systems” used in the current rule’s implementing order (*i.e.*, 1,000 or fewer subscribers)? Or, would it be appropriate to define a “small system” for this purpose as a cable system that has fewer than 15,000 subscribers¹⁰⁵ and is not affiliated with a large operator, as the Commission has done in other contexts?¹⁰⁶ Should any granted waivers be limited to a specific number of

¹⁰¹ See Dana A. Scherer, *Potential Effect of FCC Rules on State and Local Video Franchising Authorities*, Congressional Research Service, at 9 (Jan. 9, 2020), <https://crsreports.congress.gov/product/pdf/R/R46077> (listing Alabama, Kentucky, Minnesota, Oklahoma, Pennsylvania, and Virginia as states that specify the terms and conditions of franchises, but have no agency to enforce those terms and conditions).

¹⁰² In this context, the Commission defined small systems as a cable system serving 1,000 or fewer subscribers. See *Cable Operator Customer Service R&O*, 8 FCC Rcd at 2895, para. 11. To our knowledge, no operator has requested a waiver of any of the customer service standards currently included in the rule. We seek comment on this understanding.

¹⁰³ Under our general waiver authority, the Commission may waive the provisions of any of its rules for good cause shown. 47 CFR § 1.3; see also *id.* § 76.7 (establishing Part 76-specific procedures for waiver petitions).

¹⁰⁴ Other factors we could consider in our evaluation of a waiver request are: whether the waiver will affect a substantial number of subscribers; whether the entity has a plan to provide adequate customer service even if the entity’s plan does not align with the Commission’s customer service standards; whether the entity plans to eventually align with the Commission’s customer service standards; whether the company has support from the affected local franchise authority or authorities; whether the extenuating circumstances (entity size, financial status, etc.) make strict adherence to our rules extraordinarily difficult for the company; and whether the entity’s assertion of undue hardship is reasonable under the circumstances. Waiver of the Commission’s rules is subject to our general waiver standard. Waiver is appropriate only if both (1) special circumstances warrant a deviation from the general rule, and (2) such deviation better serves the public interest. *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008) (citing *Northeast Cellular Telephone Co.*, 897 F.2d 1164, 1166 (1990)). Generally, the Commission may waive any rule if there is good cause to do so and, in making this determination, may take into account considerations such as hardship, equity, or more effective implementation of overall policy on an individual basis. [47 CFR § 1.3](#). See *Northeast Cellular*, 897 F.2d at 1166; *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

¹⁰⁵ See 47 CFR § 76.901(c) (defining a “small system” as a cable system serving 15,000 or fewer subscribers in the context of cable rate regulation).

¹⁰⁶ The Commission employed this definition to determine eligibility for the streamlined waiver process adopted as part of the Commission’s rules implementing the Commercial Advertisement Loudness Mitigation (CALM) Act.

(continued....)

years and subject to renewal? Finally, would there be any basis to exempt certain small systems, operators, or companies from any customer service requirements? If so, what would this basis be?

H. Legal Authority

64. We seek comment on our legal authority to pursue this inquiry including taking any potential measures under Title II or III to address the customer service practices discussed herein for cable operators, DBS, voice, and broadband service providers.¹⁰⁷ To the extent that any of the services discussed in this inquiry would fall outside of Title II or Title III, we seek comment on the Commission's authority to consider rules related to customer service practices with respect to those services and on the sources of such authority.

IV. PROCEDURAL MATTERS

65. *Ex Parte Rules.* The proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.¹⁰⁸ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules. In proceedings governed by section 1.49(f) of the Commission's rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.¹⁰⁹

66. *Filing of Comments and Reply Comments.* Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments

Implementation of the CALM Act, MB Docket No. 11-93, Report and Order, 26 FCC Rcd 17222, 17254, para. 54 n.234 (2011) (*CALM Act Implementation Order*). As noted by the *CALM Act Implementation Order*, the affiliation exclusion is consistent with our definition of small systems in the cable carriage context, which excludes cable systems that are affiliated with a large cable operator serving more than 10 percent of all MVPD subscribers. See *Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules*, CS Docket No. 98-120, Fourth Report and Order, 23 FCC Rcd 13618, 13622, paras. 2, 12 (2008) (holding that "cable systems that have either 2,500 or fewer subscribers and are not affiliated with a large cable operator serving more than 10 percent of all MVPD customers . . . are exempt from the requirement to carry high definition versions of broadcast signals for three years following the [DTV] transition").

¹⁰⁷ See, *e.g.*, 47 U.S.C. § 552(b) (granting the Commission broad authority to "establish standards by which cable operators may fulfill their customer service requirements"); 47 U.S.C. § 335(a) (authorizing the Commission to impose "public interest or other requirements for providing video programming" on DBS providers); 47 U.S.C. § 201(b) (providing broad authority with respect to interstate common carrier service to enact rules that are necessary to ensure that "[a]ll charges, practices, classifications, and regulations for and in connection with such communications service, shall be just and reasonable. . . .").

¹⁰⁸ 47 CFR §§ 1.1200 *et seq.*

¹⁰⁹ 47 CFR § 1.49(f).

on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: www.fcc.gov/ecfs.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service mail. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

67. *People with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice).

68. *Availability of Documents.* This *Notice* will be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. These documents will also be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554.

69. *Additional Information.* For additional information on this proceeding, contact Richard D. Smith, Richard.Smith@fcc.gov or (717) 338-2797, Consumer and Governmental Affairs Bureau, Consumer Policy Division.

V. ORDERING CLAUSES

70. Accordingly, **IT IS ORDERED**, pursuant to sections 1-4, 201, 301, 303, 307, 316, 335(a), and 632(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 151-154, 201, 301, 303, 307, 316, 335(a), and 552(b) that this *Notice of Inquiry* is hereby **ADOPTED**.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *Strengthening Customer Service in the Communications Industry*, CG Docket No. 24-472, Notice of Inquiry

Hundreds of thousands of consumers reach out to the Federal Communications Commission each year. They file complaints because they have run into issues cancelling their service, are saddled with unexpected charges, are upset by unexplained outages, and are frustrated with billing issues they have not been able to resolve on their own. Many describe being stuck in “doom loops” that make it difficult to get a real person on the line to help with service that needs repair or to address charges they believe are a mistake.

We cannot ignore these complaints, especially not when we know that it is possible to do better. That is why today we start this inquiry. We seek to understand the state of customer service in communications—from top to bottom and inside and out. We want to help improve the customer experience, understand what tools we have to do so, and what gaps there may be in the law that prevent consumers from having the ability to resolve routine problems quickly, simply, and easily. I look forward to the record that develops in response.

**DISSENTING STATEMENT OF
COMMISSIONER BRENDAN CARR**

Re: *Strengthening Customer Service in the Communications Industry*, CG Docket No. 24-472, Notice of Inquiry

The Biden-Harris Administration's communications policies are failing to deliver for the American people. The FCC's spectrum auction authority expired last year. The Administration's much-anticipated national spectrum strategy does not commit to freeing up even one megahertz of spectrum. Nor are there any new spectrum auctions on the horizon. On top of all of this, Vice President Harris has been leading the Administration's signature, \$42 billion plan to expand Internet infrastructure to millions of Americans for over 1,070 days now. Yet not a single home or business has been connected to the Internet through that program, and no construction projects are even under way.

It is imperative that we work together to get the federal government's communications policies back on track. And the sooner we get started on that work the better. We should recommit as an agency to the tried and true playbook of freeing up spectrum and eliminating regulatory barriers to deployment.

Instead, the Administration has started blaming others for its own record. Today's Notice of Inquiry is a case in point. A few months ago, the Administration issued a proclamation that pointed the finger at "price fixing," "junk fees," and "other unfair practices that harm consumers" as the root cause of the economic malaise that so many in this country are feeling. It then called on administrative agencies to hop to it and crack down on those practices.

Enter today's "customer service" Notice of Inquiry. It seeks comment on whether companies should allow callers to press "0" to reach an operator or some other number instead, whether customer service centers are located in convenient locations or not, whether the FCC should review and regulate the voluntary fees some customers may pay to skip service wait times, or whether AI technologies should be allowed to operate as an equivalent or alternative to live service representatives. And in many cases, the actions explored by the NOI would require the FCC to go well beyond the bounds of our authority under the Communications Act. Indeed, much of what the FCC considers here would fit more appropriately within the scope of the Federal Trade Commission's jurisdiction. In fact, the FTC has opened up a proceeding to look at these types of things already.

We should leave those cross-cutting consumer protection issues to the nation's lead consumer protection agency—the FTC. We should color within the lines drawn by the Communications Act. And we should focus our time and resources on policies that will help bring more Americans across the digital divide.

Because today's decision focuses instead on the Biden-Harris Administration's efforts to deflect attention away from the necessary course correction, I dissent.

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS**

Re: *Strengthening Customer Service in the Communications Industry*, CG Docket No. 24-472, Notice of Inquiry

Getting support from the companies you pay to provide you with services shouldn't be a chore. And yet we all know it can be. We've all been led down a maze of "press 1" options, when we just want to talk to a person. We've all had to rearrange our schedules to make sure we can be home during an unreasonably long service window. We've all struggled to cancel a service, and thought "this should be easier."

I'm proud that the FCC already has in place a number of regulations seeking to protect consumers against these problematic practices. For example, we require cable operators to maintain customer service phone lines with live representatives, and we limit the maximum appointment window that they can propose for service calls and installations. Today, we ask about the efficacy of these current requirements. Are they working the way they should? Are there updates we should consider? And should we extend these requirements, or similar ones, to the other services under our purview, including voice, broadband, and satellite TV providers? I want to thank my colleagues for including additional questions that I proposed about whether and how companies are deploying AI in customer service, including as a partial or full alternative to live customer service representatives.

Notably, today's item is in step with actions and proposals taken across the government. From the Federal Trade Commission, to the Department of Transportation, to the Department of Health and Human Services, to the Consumer Financial Protection Bureau, our government is focused on protecting and promoting American consumers. That's the way it should be.

**STATEMENT OF
COMMISSIONER ANNA M. GOMEZ**

Re: *Strengthening Customer Service in the Communications Industry*, CG Docket No. 24-472, Notice of Inquiry

When customer service is good, it is great. But when you encounter bad customer service, it can ruin your day. Consumers do not typically reach out to customer service until they need help, and when they reach out, they are hoping to encounter someone at the other end that can help them find a solution.

I am glad the FCC is adopting a Notice of Inquiry to learn about the current state of customer service in our industry. I have said that our agency does best when our work honors the people it serves, and this item is wholeheartedly in the service of people. I look forward to seeing the record develop.