



PUBLIC NOTICE

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Federal Communications Commission
1919 M St., N.W.
Washington, D.C. 20554

DA-97-2458
November 25, 1997

THE COMMON CARRIER BUREAU'S CONSUMER PROTECTION BRANCH LAUNCHES PAPERLESS ENVIRONMENT

The Common Carrier Bureau's Consumer Protection Branch (CPB) proudly announces the inauguration of its Paperless Environment Initiative (PEI). The PEI is a database that automates the Bureau's informal complaints processes by integrating a workflow application and a document imaging system. The automation enables the Branch to respond more rapidly and efficiently to the over 40,000 consumer complaints about telephone service that it receives each year. As a result of this initiative, the Branch is well-positioned to handle the growing volume of consumer complaints received by the Commission without significant increases in staffing and resources. This initiative is a critical part of the Commission's overall effort to improve customer service, while reducing costs and increasing efficiency.

The PEI, built using Lotus Notes©, electronically stores and processes *written informal complaints* that are filed by consumers against telephone common carriers, pursuant to Section 208 of the Telecommunications Act of 1934. The PEI's integrated workflow and document imaging application system improves the Branch's operation by providing Branch staff members with virtual access to consumers' complaints, and by eliminating approximately two-thirds of the manual steps that were needed to process these complaints previously. In addition, the PEI streamlines the Branch's traditional process for serving carriers by replacing it with one that automatically sorts complaints by carriers through targeted notices.

The PEI permits participating telecommunications carriers and their billing and collections agents to submit their required responses electronically via the Internet. [See below for details.] This important innovation will reduce the volume of postal mail received by the Branch, and it will minimize the delay and costs associated with the manual processing of the thousands of pages of carrier responses received by the Branch each month. Future PEI initiatives will include enabling carriers to have *direct and secure* connection to the Branch's complaints database, thereby significantly reducing the time it takes to resolve consumers' complaints.

Guidelines for responding to consumer complaints are included in this Public Notice, including instructions for filing carrier responses electronically. In addition, the Consumer Protection Branch is contacting all companies that have been served with complaints within the past year and providing them with information regarding these new procedures.

Interested parties can purchase a diskette version of the service notice by contacting International Transcription Service (ITS), 1231 20th Street, N.W., Washington, D.C. 20036. ITS's phone number is 202-857-3800, and the fax number is 202-857-3805. Companies with questions regarding this notice are directed to: (1) call the Consumer Protection Branch at **(202) 632-INFO (4636)**; and (2) leave a detailed message specifying the calling company name, the IC#, and the specific question that they would like to have answered by the Branch. Companies should refer consumers who seek information about the Commission's rules and regulations regarding telecommunications common carriers to **(202) 632-7553**.

- FCC -

Common Carrier Bureau Consumer Hotline: (202)632-7553
Enforcement Division Contact: Nancy D. Plon: (202)418-2800
Consumer Protection Branch Contact: Sharon D. Lee: (202)418-2800

**FEDERAL COMMUNICATIONS COMMISSION
Common Carrier Bureau
Enforcement Division
Consumer Protection Branch
Stop Code 1600A2
Washington, D.C. 20554**

November 1997

**GUIDELINES FOR RESPONDING TO NOTICES OF
INFORMAL COMPLAINT**

The Consumer Protection Branch has prepared these guidelines to help your company respond to complaints served under the Branch's new paperless system.

We strongly encourage your company to resolve independently complaints when consumers first contact your company. A number of consumers who have filed complaints with the Branch state they were unable to resolve their complaints with the companies involved with their complaint. Resolving complaints at the first point of contact with your company should reduce the number of complaints filed with the FCC against your company.

**WILL ALL FUTURE COMPLAINTS BE
SERVED USING THIS SYSTEM?**

No. For the next 6 weeks, the Branch will be serving informal complaints to carriers using both its traditional approach to serving informal complaints and the new PEI method. These dual service processes are necessary while the Branch undergoes a major system conversion to fully implement the new PEI system. When the system is complete, the sole method for processing informal complaints will be the PEI method. Your patience and cooperation will be greatly appreciated.

During this transition period, carriers have the option of responding electronically to all informal complaints that have an informal complaint number with 10 or 12 digits (e.g., 97-0902115732 or 98-0829153433RW). See Attachment 3 below for more details. [For all other complaints, please send in your responses as you have in the past.]

The Branch plans on additional improvements and enhancements to the PEI system and processes in the near future. Interested parties are encouraged to monitor these developments in order to take advantage of new features and functionalities incorporated into the PEI.

**IS MY COMPANY REQUIRED TO SEND A LETTER
TO CONSUMERS ACKNOWLEDGING RECEIPT OF
THEIR COMPLAINT FILED WITH THE BRANCH?**

Yes. The Notice of Informal Complaint (NOIC) directs companies to send a letter to complainants acknowledging receipt of the NOIC. Attachment 1 is a sample letter that can be followed when acknowledging receipt of NOICs.

We also urge your company to call complainants. This contact will: (1) provide information that your company needs to investigate and resolve complaints; (2) provide the opportunity to explain your company's services; and (3) improve overall customer service programs.

SHOULD MY COMPANY CONTACT OTHER COMPANIES INVOLVED IN A CONSUMER'S COMPLAINT?

Yes. By contacting other companies involved with a complaint, all parties will have consistent information regarding the steps taken to resolve the complaint. Otherwise inconsistencies in the information among companies would require the Branch to direct the companies to re-investigate the complaints. This double processing of complaints would create unnecessary processing delays and expense for the Branch and companies.

WHAT PROCEDURES SHOULD MY COMPANY FOLLOW WHEN RESPONDING TO NOICs?

- ! Your company's response summarizing the results of its investigation of each complaint must be submitted, in writing, within the time period prescribed in the NOIC (generally 30 calendar days from the date of the NOIC). The response must be received by the FCC by close of business on the day specified in the NOIC. Attachment 2 outlines the type of information that should be included in your company's response to complaints.
- ! If more than one complaint is served on your company, a separate response must be submitted for each complaint.

Format Sample for the Subject Line of a Response:

Re: Mary Jones
File Number IC-97-0101123456AA
Notice of Informal Complaint Dated
(Month) (Day), (Year)

Please do not attach a copy of the NOIC to your company's response. The subject line enables the Branch to file your company's response in the proper complaint file.

- ! The FCC's rules require your company to send a copy of its written response to the complainant. Your company's response should show a "cc" to the complainant.
- ! Each company must submit its own response summarizing the results of its own investigation. It is not acceptable to submit a brief letter adopting another company's findings.
- ! Your company should retain all records which may be relevant to the complaint until final disposition of the complaint. Your company will receive written notification from the Branch when the Branch determines that a complaint file can be closed.

! The Branch closes informal complaint files. It is not appropriate to state in your company's response that your company is closing the complaint file, or that your company considers the matter closed.

WHAT IF MY COMPANY NEEDS MORE TIME TO RESPOND TO AN NOIC?

If your company is unable to complete the investigation of a complaint within the time period prescribed in the NOIC, a letter requesting an extension of time should be received by the Branch at least seven days before the response is due to be filed. **It is the policy of the FCC that extensions of time shall not be routinely granted.** Therefore, the extension request should specify the reasons why the prescribed filing date cannot be met and the exact date on which the carrier's response will be filed with the Branch if the request is granted.

Your company should file an original and one copy of extension requests. The Branch will return a copy of the extension request to your company indicating whether or not the request has been granted or denied. If the request is denied, the response must be filed within the time originally prescribed by the Branch.

Format Sample for the Subject Line of an Extension Request:

Re: EXTENSION OF TIME REQUEST
Mary Jones
File Number IC-97-0101123456AA
Notice of Informal Complaint Dated
(Month) (Day), Year

DOES THE FCC EVER DIRECT COMPANIES TO RE-INVESTIGATE COMPLAINTS?

Yes. The Branch may direct your company to re-investigate a complaint or to provide additional information about the actions taken by your company. The same general procedures described above should be followed. However, carriers generally are given a shorter time period to provide additional information (usually 15 or 20 calendar days). Also, the subject line should include a statement that the filing is a supplemental response.

Format Sample for the Subject Line of a Supplemental Response:

Re: SUPPLEMENTAL RESPONSE
Mary Jones
File Number IC-97-0101123456AA
Notice of Informal Complaint Dated
(Month) (Day), (Year)

Call the Branch at 202-632-INFO (4636) if your company has any questions about how to respond to NOICs. **This number should not be given to consumers. Consumers seeking information on common carrier issues should be referred to the Consumer Protection Branch's Consumer Hotline at (202)632-7553.**

ATTACHMENT 1

**SAMPLE LETTER THAT CAN BE USED TO ACKNOWLEDGE
RECEIPT OF COMPLAINTS REGARDING TELECOMMUNICATIONS SERVICE**

USE YOUR COMPANY'S LETTERHEAD

Ms. Mary Jones
Street Address
City, state and zip code

Re: Mary Jones
FCC File Number IC-97-0101123456AA
Notice of Informal Complaint
Dated August 1, 1997

Dear Ms. Jones:

Our company has received notification that you have filed a complaint with the Federal Communications Commission (FCC) about (specify complaint type).

The FCC has directed our company to investigate your complaint and to send a written response to the FCC summarizing the results of that investigation. The FCC also has directed our company to send you a copy of the response.

Normally, our company's written response to complaints is sent to the FCC within 30 days of the date of the Notice of Informal Complaint. However, difficult or complex complaints may take somewhat longer to investigate.

We will attempt to contact you by telephone to discuss your complaint.

Sincerely,

[signature block]

**SUMMARY OF THE TYPE OF INFORMATION THAT
SHOULD BE INCLUDED IN RESPONSES TO NOTICES
OF INFORMAL COMPLAINT**

Include a subject line, a brief summary of the complaint, and a copy of any letter or other document that your company sent to the complainant in connection with the complaint.

Fully respond to all material allegations in each complaint and any specific questions and directives in the NOIC regarding the specified Response Type for each complaint.

Specify:

- ! How the actions taken by your company are consistent with the Communications Act, and with the Commission's rules and policies. If it is discovered during the investigation of a complaint that your company was not in compliance with the Act, or with FCC rules or policies, your company should specify what steps it is taking to comply.¹
- ! The date(s) that your company contacted or attempted to contact the complainant and other companies involved with the complaint, and a brief summary of those conversations.
- ! Any other information that is relevant to the complaint.

Always indicate that your company is sending a "cc" of the response to the complainant.

¹ Common carriers are reminded that Section 217 of the Communications Act, 47 U.S.C. § 217, provides:

In construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier or user, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or user as well as that of the person.

**OPTIONAL INTERNET RESPONSES
TO NOTICES
OF INFORMAL COMPLAINT**

The Common Carrier Bureau has established **optional** electronic response procedures for all informal complaints. Any carrier electing to respond via the Internet does **not** need to send a hard copy response.

1. The preferred format for electronic attachments is "RTF" (Rich Text Format) which is a choice under the "save as" option in most word processing applications. To conserve space and provide a cleaner image, please do not include any graphics. If you are not able to provide attachments as an "RTF" then, as an alternative, we will accept attachments in ASCII text.
2. Please send one daily e-mail message for **each** carrier, with the carrier's responses for that day as attachments, to "**cpbperesponse@fcc.gov**" with a return receipt specified within **your** e-mail application. This return receipt will be your electronic receipt [with Date-Time stamp on mail sent.] For **each** informal complaint response, please send a **separate attachment** with the "IC Number" as its file name. In this way, there should be only one e-mail per day from each carrier.
3. The FROM field should indicate the **one** carrier whose responses are attached. In the message area of your correspondence you must correctly supply a list that includes both the FCC's assigned "IC Number" followed by a space and the full "Complainant's Name" (one set per line), sorted by IC Number, for each attachment. The attachments are to be created in the same order as this list. The FCC is not responsible for misdirected mail or mail not provided according to FCC specifications. At the end of the message area, the person authorizing/authoring this communication should put their name, e-mail address, voice phone number, and FAX phone number on the message.
4. The body of each attachment should contain both the FCC's assigned "IC Number" and the full "Complainant's Name" separated by a space and preceded by "RE:". This information should appear at the beginning of the attachment and be followed by the carrier/company name, contact person's name, title, complete postal address, e-mail address, voice phone number, and FAX phone number within your company as follows:

Date of correspondence

RE: IC-Number Complainant's-Name

Carrier/Company Name

Contact-Person's-Full-Name

Contact-Person's-Title

Contact-Person's-complete-postal-address

e-mail: Contact-Person's-e-mail-address

phone: Contact-Person's-voice-phone-number

FAX: Contact-Person's-FAX-phone-number

Body of Letter