JOHN D. ROCKEFELLER IV, WEST VIRGINIA, CHAIRMAN
KAY BAILEY HUTCHISON, TEXAS, RANKING MEMBER

DANIEL K. INOUYE, HAWAII
JOHN F. KERRY, MASSACHUSETTS
BYRON L. DORGAN, NORTH DAKOTA
BARBARA BOXER, CALIFORNIA
BILL NELSON, FLORIDA
MARIA CANTWELL, WASHINGTON
FRANK R. LAUTENBERG, NEW JERSEY
MARK PRYOR, ARKANSAS
CLAIRE McCASKILL, MISSOURI
AMY KLOBUCHAR, MINNESOTA
TOM UDALL, NEW MEXICO
MARK WARNER, VIRGINIA
MARK BEGICH, ALASKA

OLYMPIA J. SNOWE, MAINE
JOHN ENSIGN, NEVADA
JIM DeMINT, SOUTH CAROLINA
JOHN THUNE, SOUTH DAKOTA
ROGER F. WICKER, MISSISSIPPI
GEORGE S. LeMIEUX, FLORIDA
JOHNNY ISAKSON, GEORGIA
DAVID VITTER, LOUISIANA
SAM BROWNBACK, KANSAS
MIKE JOHANNS, NEBRASKA

ELLEN DONESKI, STAFF DIRECTOR
ANN BEGEMAN, REPUBLICAN STAFF DIRECTOR

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEB SITE: http://commerce.senate.gov
PHONE: (202) 224-5115

December 17, 2010

Mr. Geoff Morrison, Chief Executive Officer
Mr. Paul Monette, Vice President
My Service and Support
7600 Bass Lake Rd Suite 104
New Hope, Minnesota 55428

Dear Messrs. Morrison and Monette,

The Senate Committee on Commerce, Science and Transportation is examining the practice of "cramming" unauthorized third-party charges onto consumers' landline telephone bills. I am concerned that while the telecommunications industry has been aware of this deceptive billing practice for more than a decade, "cramming" appears to be as prevalent as ever. I am writing to request information about the role your company plays in the "cramming" problem.

For more than a decade, federal and state law enforcement authorities have pursued cases against companies that place unauthorized charges on consumers' telephone bills. Yet when the authorities shut down one "cramming" scheme, others take its place. According to the Federal Trade Commission, Federal Communications Commission, state Attorneys General, news reports, and various other online sources, consumers still regularly complain that their telephone bills include charges for products or services they did not order.

For this reason, earlier this year, I opened an investigation into "cramming" and requested information from three large telephone companies—AT&T, Qwest, and Verizon—to better understand the scope of the problem and the steps, if any, they have taken to address it. I focused initially on the role of the telephone companies because a company cannot engage in "cramming" without first gaining access to consumers' telephone bills. As part of the investigation, I asked AT&T, Qwest, and Verizon to provide the Committee with a list of the companies that place third-party charges on their customers' telephone bills.

An initial review of these companies has raised serious concerns about the business practices of both the telephone companies and companies such as yours. A significant percentage of these companies had consumer complaints for "cramming" filed with the Better Business Bureau, Federal Trade Commission, Federal Communications Commission, and various consumer websites. Over 250 of these companies have 'D' or 'F' ratings from the Better Business Bureau for unresolved complaints stemming from unauthorized charges. Further, a significant percentage of the companies offered and charged consumers for "services," like e-

mail and "toll free voice mail," which are either offered free on the Internet or can be included within consumers' preexisting telephone service.

Your company either owns or is partnered with companies that generated a significant number of consumer "cramming" complaints and offered services consumers would unlikely be willing to knowingly purchase. These companies include the following:

- Agorasolution
- BillWithUs, Inc.
- Green Tree Data
- LaurenTel
- LowCostBilling
- MyTeleServices
- MyBillingGuys

In addition to the Committee's ongoing investigation into AT&T, Qwest, and Verizon's role in "cramming," the Committee is also now investigating how companies like yours obtain consumers' telephone numbers and their express informed consent to purchase the "services" your company and other similar companies offer.

To better understand your company's role in the "cramming" problem still facing American consumers, I request that you provide the Committee with the following information and documents. In each of the requests below, "company" refers to My Service and Support, any of its parents, subsidiaries, and affiliates, any other company you have owned fully or partly, and any company for which you have served as an officer or director. "Company" includes trade names, operations under assumed names, fictitious business names, corporations, limited liability companies, unincorporated divisions, joint ventures, partnerships, sole proprietorships, associations, cooperatives, and other legal entities.

1. Identify each of your companies that have charged consumers through their telephone bills. For each company, provide the following:

   a. a description of the service provided to the consumers who enroll;
   b. the number of consumers who have enrolled in the service;
   c. the number of consumers currently enrolled in the service;
   d. the number of consumers who have been enrolled in the service for longer than six months;
   e. the number of consumers who have been enrolled in the service for longer than a year;
   f. the number of consumers who have contacted your company alleging that they were charged for the service without their authorization;
   g. a description of every method your company has used to enroll consumers in the service, including any company documents that describe the method(s) and documents sufficient to show any advertisements and disclosures presented to consumers prior to their enrollment in the service;
   h. for each of the past five years, the number of enrolled consumers who used the service, including documents sufficient to show evidence supporting these figures;

i. for consumers enrolled in the past year, documentation proving that the consumers enrolled in the service with their express informed consent;
j. a list of the local exchange carriers, or telephone companies, that have allowed your company to place third-party charges for the service on their customers' telephone bills; and
k. for each of the past five years, the amount of revenue your company has generated by charging consumers for the service through their telephone bills.

2. Identify the billing aggregators your company has entered into a business relationship with to place third-party charges on consumers' telephone bills and provide a copy of your company's contract with each billing aggregator.

3. All documents and communications related to any evidence your company has provided to a billing aggregator or telephone company showing that consumers enrolled in services offered by your company with their express informed consent.

4. All documents related to communications between your company and a billing aggregator related to allegedly unauthorized third-party charges on consumers' telephone bills.

5. All documents related to communications between your company and a telephone company related to unauthorized third-party charges on consumers' telephone bills.

6. All documents relating to scripts, policies, manuals, or procedures that have been provided to any employee of your company to prepare for or use during communications with customers about the charges your company is placing on their telephone bills, including, but not limited to, scripts, policies, manuals, or procedures for handling customer complaints.

7. Identify any company that you or anyone acting on your behalf partially or fully owns, controls, or is affiliated with in any way that has placed third-party charges on consumers' telephone bills or has partnered with any company that has placed third-party charges on consumers' telephone bills. For each company, provide all d/b/a's, addresses, and telephone numbers used by the company. For purposes of this request, the word "company" includes trade names, operations under assumed names, fictitious business names, corporations, limited liability companies, unincorporated divisions, joint ventures, partnerships, sole proprietorships, associations, cooperatives, and other legal entities.

8. Provide the domain name of any website that you, any company you fully or partially own, any company you control, or any company with which you are affiliated in any way, registered, operated, or controlled that has been used in connection with any service for which consumers are charged through their telephone bills. This request includes any domain name registered by any employee, agent, consultant or other person working or acting for or on behalf of any of the foregoing.

9. Explain your or your company's relationship with each of the following companies or entities. If there is a contractual relationship, provide a copy of the contract.

a. Agorasolution
b. BillWithUs, Inc.
c. Green Tree Data
d. LaurenTel
e. LowCostBilling
f. MyFileBuddy
g. MyTeleServices
h. MyBillingGuys
i. MySuperLotto
j. The Guys Thank You

Please provide the requested information and documents by Friday, January 14, 2011.

The Committee is conducting the investigation under the authority of Senate Rules XXV and XXVI. An attachment to this letter provides additional information about how to respond to the Committee's request. If you have any questions, please contact Erik Jones or Melanie Tiano with the Committee staff at (202) 224-1300.

Sincerely,

John D. Rockefeller IV
Chairman

Enclosure

cc: Kay Bailey Hutchison
Ranking Member