

**Ranking Member John Thune**  
**Written Questions for the Record for**  
**Michael Altschul, Senior Vice President, General Counsel,**  
**CTIA—The Wireless Association**  
**“Cramming on Wireless Phone Bills:**  
**A Review of Consumer Protection Practices and Gaps”**  
**Senate Committee on Commerce, Science, and Transportation**  
**Wednesday, July 30, 2014**

- 1) Is the recent T-Mobile cramming case the first time the FTC has taken enforcement action against a telecommunications carrier?

To CTIA's knowledge, it is the first time the FTC has taken enforcement action against a telecommunications carrier for a carrier-provided service. The FTC has brought actions against carriers for violations of the Fair Credit Reporting Act (FCRA).

- 2) Do you believe the current exemption from the FTC's jurisdiction for communications common carriers frustrates effective consumer protection and industry guidance with regard to billing practices in the telecommunications industry?

Currently, the FCC imposes Truth-in-Billing requirements on telecommunications carriers. If Congress eliminated the FTC's common carrier exemption while keeping the FCC's rules in place, wireless carriers would be subject to two potentially conflicting sets of federal requirements administered by two different federal agencies. Such an outcome would lead to consumer and carrier confusion, and would frustrate effective consumer protection. In addition, dual federal regulation would result in increased costs to taxpayers by funding two agencies to do similar work, while at the same time increasing compliance costs for carriers, also likely to be passed on to consumers.

- 3) Do you believe the communications common carrier exemption is outdated or should be repealed? Please explain your answer.

Any determination affecting the common carrier exemption in the FTC Act should await the outcome of the current "Net Neutrality" debate and the regulatory status of carrier services. Any changes to agency authority over communications carriers should ensure that there is not dual federal regulation and that federal authority preempts state authority.

- 4) Do you believe repealing the communications common carrier exemption would alter the jurisdiction of the FCC? Please explain your answer.

While repealing the common carrier exemption by itself would not alter the FCC's jurisdiction, such an outcome should logically be coupled with a change in the FCC's jurisdiction in order to avoid dual federal regulation.

- 5) Do you believe repealing the communications common carrier exemption is necessary to enable the FTC and FCC to work together to protect consumers of telecommunications services?

No. Repealing the exemption without altering the FCC's jurisdiction could create two potentially conflicting federal regimes, which could undermine coordinated FTC and FCC actions to protect consumers.