



NEWS

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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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QUARTERLY REPORT ON INFORMAL CONSUMER INQUIRIES AND COMPLAINTS RELEASED

Washington, DC – The Commission has released the report on the inquiries and complaints processed by the Consumer & Governmental Affairs Bureau (CGB) during the third quarter of calendar year 2003.

Complaint activity increased within all major areas except Cable during the third quarter. The largest increase occurred within Radio & Broadcasting. A total of 19,920 Indecency and Obscenity complaints were received during the quarter. Complaint activity was higher in all five top Wireless categories, with the largest percentage increases coming from the Service Quality and Equipment categories. In total, Wireless complaint volume rose from 3,901 last quarter to 4,825 this quarter. Wireline complaints edged up from 10,418 to 11,093 due to a rise in Telephone Consumer Protection Act (TCPA) complaints. By contrast, Cramming complaints fell by more than half during the quarter, tempering the increase in composite Wireline complaints. Cable complaints slipped from 273 to 253 during the third quarter as increases in Billing & Rates and Disability complaints were outstripped by a decline in Service-Related complaints.

Meanwhile, inquiry activity fell in all major areas during the third quarter. Radio & Television Broadcasting inquiries fell the most, dropping from 6,014 to 3,244. Wireless inquiries dropped from 13,983 to 11,828 due largely to sharp declines in Electrical Interference and Amateur License inquiries. Slamming and Cramming accounted for most of the decrease in Wireline inquiries, which fell from 50,249 to 44,550 during the third quarter. Cable inquiries eased from 4,818 to 4,474, with most of the decline coming from the Over the Air Reception Device (OTARD) category.

The Commission receives many informal complaints that do not involve violations of the Communications Act, or a rule or order of the Commission. The existence of a complaint does not necessarily indicate wrongdoing by the company at issue.

- FCC -

CGB contact: Thomas Wyatt at (202) 418-1400.

REPORT ON INFORMAL CONSUMER INQUIRIES AND COMPLAINTS
3rd Quarter Calendar Year 2003
Executive Summary

This report tracks consumer inquiries and complaints processed by the Consumer & Governmental Affairs Bureau (CGB) during the 3rd quarter of calendar year 2003.¹ Inquiries are defined as correspondence or communications received at the Commission from individuals seeking information on matters under the FCC's jurisdiction. Informal consumer complaints are defined as a communication received at CGB's consumer centers either via postal mail, fax, email or telephone from or on behalf of an individual that: (i) identifies a particular entity under the FCC's jurisdiction; (ii) alleges harm or injury; and (iii) seeks relief.

Complaint activity increased within all major areas except Cable during the third quarter. The largest increase occurred within Radio & Broadcasting. A total of 19,920 Indecency and Obscenity complaints were received during the quarter. Complaint activity was higher in all five top Wireless categories, with the largest percentage increases coming from the Service Quality and Equipment categories. In total, Wireless complaint volume rose from 3,901 last quarter to 4,825 this quarter. Wireline complaints edged up from 10,418 to 11,093 due to a rise in Telephone Consumer Protection Act (TCPA) complaints. By contrast, Cramming complaints fell by more than half during the quarter, tempering the increase in composite Wireline complaints. Cable complaints slipped from 273 to 253 during the third quarter as increases in Billing & Rates and Disability complaints were outstripped by a decline in Service-Related complaints.

Meanwhile, inquiry activity fell in all major areas during the third quarter. Radio & Television Broadcasting inquiries fell the most, dropping from 6,014 to 3,244. Wireless inquiries dropped from 13,983 to 11,828 due largely to sharp declines in Electrical Interference and Amateur License inquiries. Slamming and Cramming accounted for most of the decrease in Wireline inquiries, which fell from 50,249 to 44,550 during the third quarter. Cable inquiries eased from 4,818 to 4,474, with most of the decline coming from the Over the Air Reception Device (OTARD) category.

The Commission receives many informal complaints that do not involve violations of the Communications Act, or a rule or order of the Commission. The existence of a complaint does not necessarily indicate wrongdoing by the company at issue.

¹ The data reported reflect the complaints and inquiries recorded in CGB's automated tracking systems for the period July 1, 2003 to September 30, 2003. The information generated for this specific report is information entered into the tracking systems on or before a specific date. In addition, the data within this report account for statistics at the national level as reported to the Commission and, therefore, are not necessarily indicative of corresponding state or local trends.

Top Consumer Issues – Subject Category Reference Guide

CABLE SERVICES

Billing & Rates: Complaints/inquiries concerning billing matters and the rates charged for cable programming service (or expanded basic) tier on a cable system

Cable Modem Service: Complaints/inquiries about the availability or quality of cable modem service.

Disability Issues: Complaints/inquiries regarding video description, closed captioning, and emergency access to video programming.

Over-The-Air-Reception-Devices (OTARD) Issues: Complaints/inquiries regarding the installation, maintenance or use of antennas -- including direct-to-home satellite dishes that are less than one meter (39.37") in diameter (or of any size in Alaska), TV antennas, and wireless cable antennas -- to receive video programming

Programming Issues: Complaints/inquiries regarding program content or the choice of channels or programs available to subscribers.

Satellite Issues: Complaints/inquiries regarding satellite issues.

Satellite Home Viewer Improvement Act (SHVIA) Issues: Complaints/inquiries concerning satellite carriers provision of television broadcast (including distant or national) programming to subscribers.

Service Related Issues: Complaints/inquiries about the quality of service provided by cable operators.

RADIO & TELEVISION BROADCASTING

Disability Issues: Complaints/inquiries regarding video description, closed captioning, and emergency access to video programming.

General Broadcast Information: Inquiries regarding general broadcast requirements, licenses, and community obligations.

How to Start Broadcast Station: Inquiries regarding starting a broadcast station.

Low Power Broadcast Information: Inquiries regarding low power TV and low power radio

Media Ownership & Policy: Inquiries regarding media ownership and its policy.

Programming Issues

- Indecency/Obscenity: Complaints/inquiries regarding broadcast programs that allegedly contain indecent or obscene material
- Loud Commercials: Complaints/inquiries regarding abrupt changes in volume during transition from regular programming to commercials
- Religious: Complaints/inquiries regarding religious programs
- Violence: Complaints/inquiries regarding violence in programs
- General Content Criticism: generalized concerns regarding the content of broadcast programs

WIRELESS TELECOMMUNICATIONS

Amateur License Issue: Inquiries regarding Amateur license acquisition, requirements, eligibility, and replacement.

Billing and Rates-Related – Includes the Following Subcategories:

Billing/Rates - Airtime Charges: Complaints/inquiries regarding charges to subscriber for actual time spent talking on a wireless phone

Billing/Rates-Credit/Refunds/Adjustments: Complaints/inquiries regarding credits, refunds, or bill adjustments

Billing/Rates - Line Items: Complaints/inquiries regarding surcharges and taxes appearing on a phone bill

- Access Charge: Complaints/inquiries regarding miscellaneous line items charges
- E-911: Complaints/inquiries regarding provision of automatic location information and automatic number identification via a wireless phone used to contact a 911 call center.
- Taxes: Complaints/inquiries regarding taxes appearing on cellular bill
- Universal Service: Complaints/inquiries about the availability and affordability of phone service for low income consumers in geographic areas where the costs of providing telephone service is high

Billing/Rates – Recurring Charges: Complaints/inquiries over recurring monthly charges that appear on a customer's bill

Billing/Rates – Roaming Rates: Complaints/inquiries about charges assessed to the subscriber for wireless calls made while roaming in another carrier's territory

Billing/Rates – Rounding: Complaints/inquiries about the practice of rounding calls to a full minute

Billing/Rates – Service Plan Rate: Complaints/inquiries about the terms and conditions of service:

- Activation Fee: usually one time charge to initiate service

- Off-Peak: specified time where per-minute rate is lower
- Optional Services: including caller-id, voice mail, road-rescue, etc.
- Peak: specified time where per-minute rate is higher
- Prepaid Service: subscriber pays for service in advance
- Promo Plan: including minute allowances
- Security Deposit: usually one time charge that is held by the carrier for a specified timeframe in order for subscriber to acquire service

Carrier Marketing & Advertising: Complaints/inquiries regarding advertising and marketing practices of carriers including alleged misrepresentations

Citizens Band Radio Issues: Inquiries regarding citizens band radio.

Contract – Early Termination: Complaints/inquiries regarding termination of a subscriber’s service prior to end of specified contract term

- Termination of Service by subscriber: subscriber’s liability for terminating service prior to specified contract term
- Termination of Service by carrier: carrier’s right to disconnect a subscriber’s service prior to end of a specified contract term

Electrical Interference Issue: Inquiries regarding unwanted signals from nearby transmitters to home entertainment electronic equipment

Equipment: Complaints/inquiries about telecommunications equipment used or purchased by a subscriber.

- Faulty Equipment: involves technical problems or malfunctioning equipment
- Stolen Equipment: involves the purported misuse of or other problems associated with stolen equipment

General Mobile Radio Service (GMRS) License Issue: Inquiries regarding GMRS license acquisition, requirements, eligibility, and replacement.

Land Mobile (LM) License Issue: Inquiries regarding LM license acquisition, requirements, eligibility, and replacement.

Service – Quality/Coverage: Disputes/inquiries regarding quality of service or the lack of coverage within a geographic area served by a wireless provider:

- Dead Spots: inability to receive service within certain areas
- Dropped Calls: premature termination of calls
- Home Area Service: overall quality of service within the subscriber’s local calling area
- Network Busy Signal: involving calls that do not go through because of overcrowding of the service frequencies
- Roaming Availability: availability of service outside the subscriber’s local calling area

- Roaming Service: overall quality of service while roaming
- Service Interruption: inability to use cellular phone because service was interrupted by service provider

WIRELINE TELECOMMUNICATIONS

Billing and Rates-Related – Includes the Following Subcategories:

Billing/Rates Credit/Refunds/Adjustments: Complaints/inquiries about credits, refunds, or adjustments allegedly owed to the subscriber

Billing/Rates – Line Item: Complaints/inquiries about the line items appearing on telephone bills:

- Access – Subscriber Line Charge: questions regarding subscriber local-loop line charges for maintaining residential and business and telephone access to the network
- Access – Universal Service: questions regarding the FCC’s universal service fund-affordable access to basic telephone service for low-income consumers and consumers in high-cost areas, and communications services for schools and libraries and health care facilities
- Interstate Directory Assistance: questions about charges assessed for access to directory assistance information
- Taxes on Telephone Bill: questions about local, state, or federal taxes appearing on a telephone bill
- Truth in Billing - No Service Provider ID: Complaints/inquiries about whether the name of the service provider and/or contact information for the service provider is easily identifiable on the bill
- Truth in Billing - Bundled Charges: Complaints/inquiries about whether bills contain plain language description and breakdown of charges for each carrier when multiple carriers appear on the bill
- Truth in Billing - No Payment Solution: Complaints/inquiries about whether a bill clearly distinguishes charges for which nonpayment will result in disconnection from those that will not result in disconnection

Billing/Rates – Rates: Miscellaneous complaints/inquiries about the rates and charges billed by telephone companies:

- Casual Call Billing: rates billed for calls placed from non-public phones through a carrier who is not the presubscribed carrier for the telephone (or which does not recognize a telephone number as that of a subscriber)
- Double Billing: dispute involving alleged double billing for calls or services
- DSL Rate Problem: DSL promotion plan rates allegedly altered or unspecified to consumer

- International Internet Dial-up: international calls (routed to places like Chad, Madagascar or other countries) that were billed to consumers as a result of using local (domestic) Internet service providers to access websites
- International Calls – Rates: international calls, rates and/or service that either originate or terminate in the U.S.
- International 809# Billing: 809 area code collect call and consumer dialing scam
- 900 Pay-Per-Call Billing: commercially provided interstate 900 number information or entertainment services
- OSP Rates: rates charged for interstate calls placed from public phones
- Rates for Interstate Telecommunications Services – Billing: disputes about interstate rates and charges

Billing/Rates – Recurring Charges: Complaints/inquiries about recurring charges that appear on a customer's bill

Carrier Marketing & Advertising: Complaints/inquiries regarding the marketing and advertising practices of interexchange carriers

Cramming: Complaints/inquiries about allegedly unauthorized, misleading, or deceptive charges appearing on a telephone bill

Digital Subscriber Line (DSL) Issues: Complaints/inquiries regarding DSL.

Service Quality: Complaints/inquiries regarding the quality of service provided by telephone companies:

- DSL Service Inadequate: poor quality of service or service outage
- Interstate Telecommunications: poor call reception, service outage, service disconnects, or carrier's failure to release telephone line (and no charges are associated)
- Long Distance Service Treatment: inadequate customer service treatment by long distance carrier including, but not limited to, additional services being added without the consumer's knowledge or approval, etc.

Slamming: Complaints/inquiries regarding the practice of changing a subscriber's telecommunications service provider (or a calling plan) without the subscriber's permission

- International slam: changing a subscriber's international long distance service without permission
- Local Service slammed: changing a subscriber's local or regional intrastate long distance service without permission
- Local and Long Distance slammed: changing a subscriber's local and long distance service without permission
- Long Distance slammed: changing a subscriber's interstate telephone company service without permission
- Slamming w/Problem LOA: changing a subscriber's interstate telephone company based on fraudulent signed documents or illegal format, such as sweepstake.

Telephone Consumer Protection Act (TCPA): Complaints/inquiries regarding compliance with the TCPA:

- Artificial or Prerecorded Message and/or ATDS: calls to a residence using an artificial or prerecorded voice to deliver a message without prior consent of the called party prohibited unless an emergency exists
- Do Not Call List Request Not Honored: no person or entity may initiate any telephone solicitation to a residential telephone subscriber-- unless such person or entity has instituted procedures for maintaining a list of persons who have requested not to receive telephone solicitations
- Fax Complaint: unsolicited (“junk”) faxes or the use of a computer or other device to send any messages via a telephone facsimile prohibited unless such message clearly contains the date and time it is sent and an identification of the business, other entity or individual sending the message
- TCPA General Solicitations: the initiation of a call or message for the purpose of encouraging the purchase or rental of, or investment in property, goods, or services
- Time of Day violation: no person or entity may initiate any telephone solicitation to a residential telephone subscriber before 8 a.m. or after 9 p.m. (local time based on the called party’s location)

Summary of Top Consumer Complaint* Subjects
Processed by the FCC's Consumer & Governmental Affairs Bureau (CGB)
Third Quarter - Calendar Year 2003

| | July | August | September | Quarter Total |
|------------------------|------|--------|-----------|---------------|
| Cable Services | | | | |
| Billing & Rates | 33 | 23 | 16 | 72 |
| Cable Modem Service | 13 | 13 | 6 | 32 |
| Disability Issues | 9 | 11 | 8 | 28 |
| Programming Issues | 23 | 8 | 5 | 36 |
| Service Related Issues | 50 | 14 | 21 | 85 |
| <i>Totals</i> | 128 | 69 | 56 | 253 |

| | July | August | September | Quarter Total |
|--|-------|--------|-----------|---------------|
| Radio & Television Broadcasting | | | | |
| Disability Issues | 7 | 8 | 7 | 22 |
| Loud Commercial | 1 | 1 | 0 | 2 |
| Programming - General Criticism | 16 | 17 | 34 | 67 |
| Programming - Indecency/Obscenity** | 5,552 | 8,876 | 5,492 | 19,920 |
| Other Programming Issues | 41 | 30 | 21 | 92 |
| <i>Totals</i> | 5,617 | 8,932 | 5,554 | 20,103 |

| | July | August | September | Quarter Total |
|------------------------------------|-------|--------|-----------|---------------|
| Wireless Telecommunications | | | | |
| Billing & Rates | 844 | 794 | 1,028 | 2,666 |
| Carrier Marketing & Advertising | 152 | 178 | 254 | 584 |
| Contract - Early Termination | 184 | 215 | 266 | 665 |
| Equipment | 86 | 78 | 99 | 263 |
| Service Quality | 179 | 205 | 263 | 647 |
| <i>Totals</i> | 1,445 | 1,470 | 1,910 | 4,825 |

| | July | August | September | Quarter Total |
|------------------------------------|-------|--------|-----------|---------------|
| Wireline Telecommunications | | | | |
| Billing & Rates | 1,373 | 1,548 | 1,245 | 4,166 |
| Carrier Marketing & Advertising | 209 | 263 | 204 | 676 |
| Cramming | 108 | 123 | 97 | 328 |
| Slamming | 484 | 449 | 534 | 1,467 |
| Telephone Consumer Protection Act | 1,511 | 1,523 | 1,422 | 4,456 |
| <i>Totals</i> | 3,685 | 3,906 | 3,502 | 11,093 |

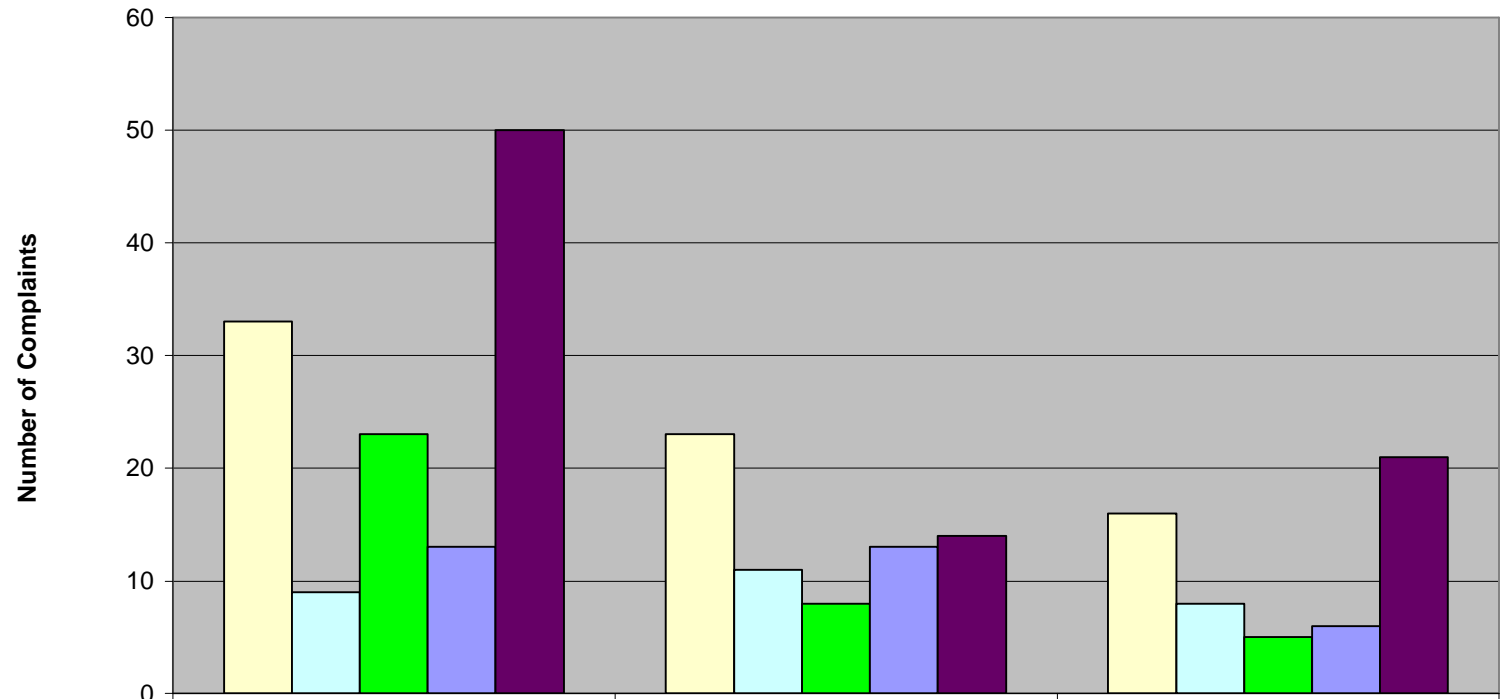
NOTES: (1) See attachment for brief description of subject categories.

* A complaint is defined as a communication received at CGB's consumer centers either via letter, fax, email or telephone from or on behalf of an individual that: (i) identifies a particular entity under the FCC's jurisdiction; (ii) alleges harm or injury; and (iii) seeks relief. The FCC receives many complaints that do not involve violations of the Communications Act or a FCC rule or order. The existence of a complaint does not necessarily indicate wrongdoing by the company involved.

** Complaints regarding alleged indecency/obscenity during specific broadcasts are forwarded to the Enforcement Bureau (EB) for appropriate handling. The numbers reported in this category include complaints forwarded to EB as well as complaints received separately by EB. Of the 19,920 indecency complaints, the Enforcement Bureau received 63, while 19,847 involved multiple, and in many cases, identical complaints against two separate programs.

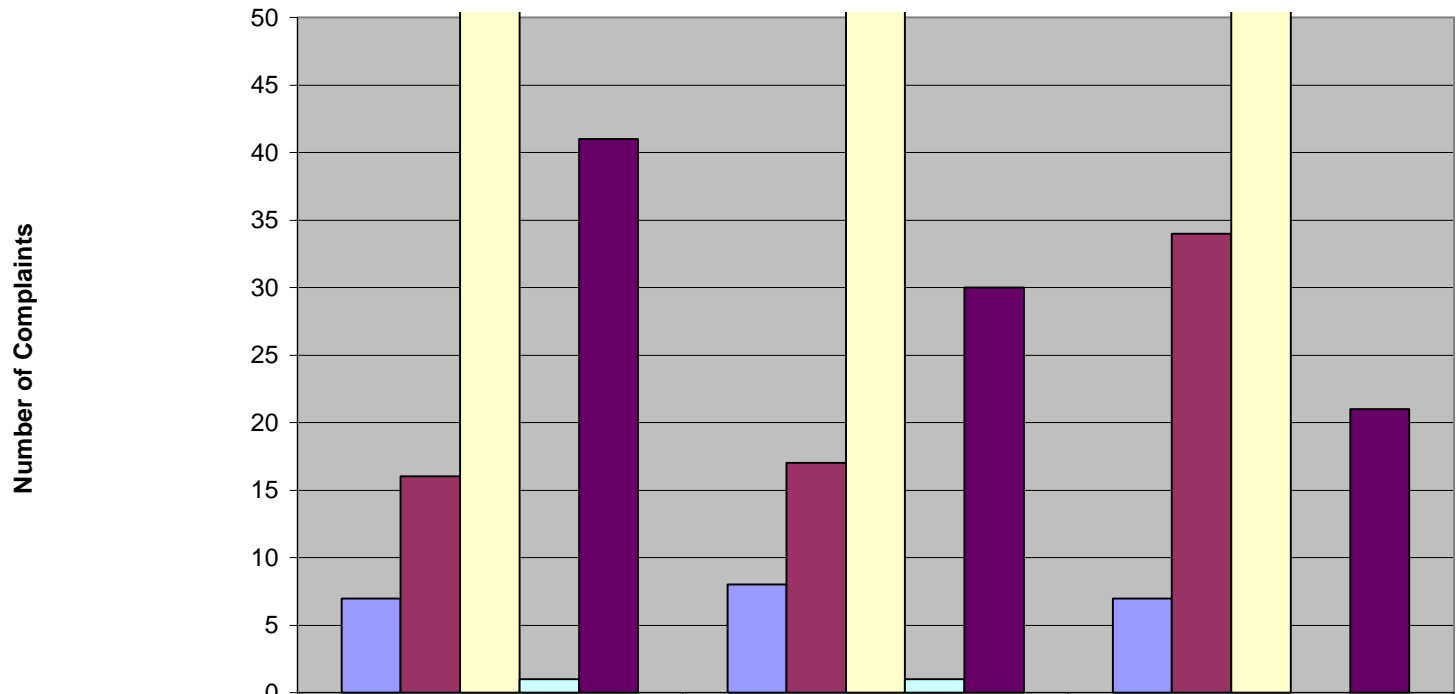
The data within this report account for statistics at the national level as reported to the Commission, and therefore are not necessarily indicative of corresponding state or local trends.

**Consumer & Governmental Affairs Bureau
Top Cable Service Consumer Complaints
Second Quarter - Calendar Year 2003**



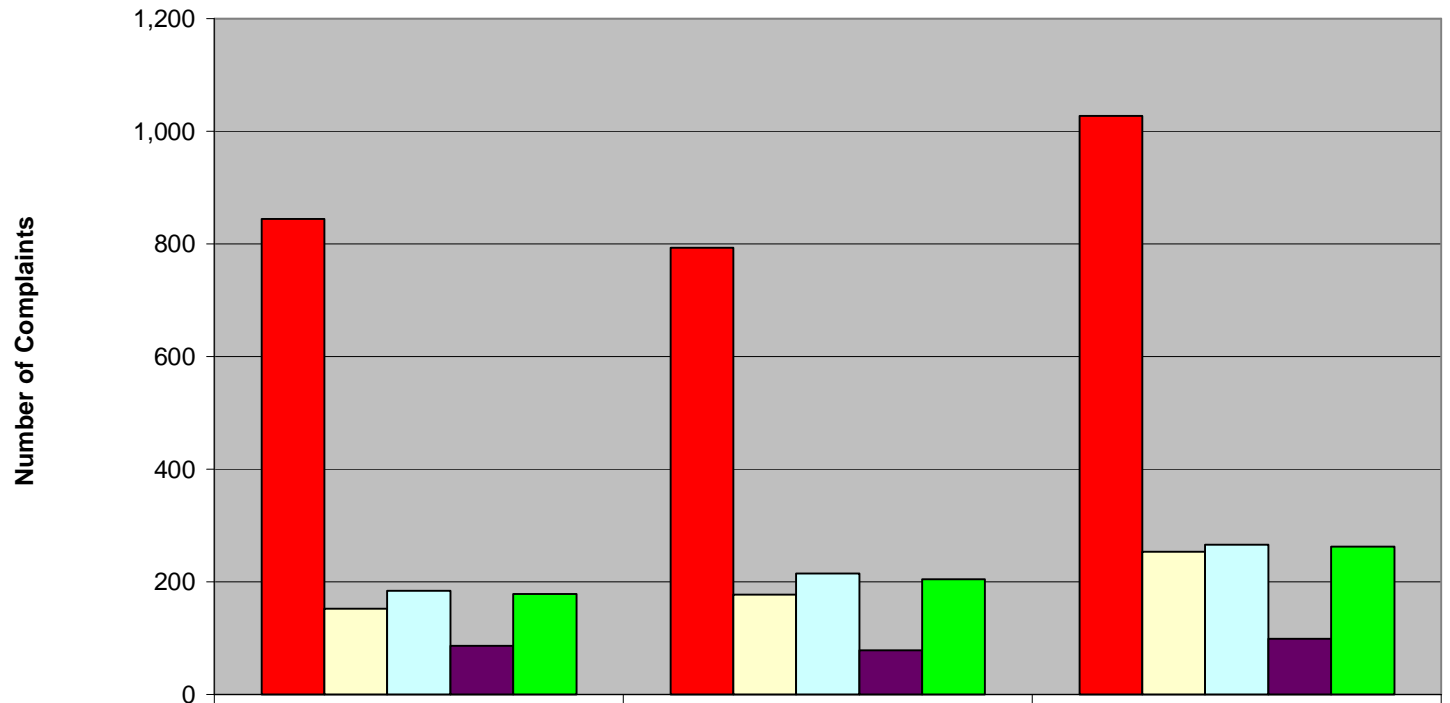
| | July | August | September |
|--------------------------|------|--------|-----------|
| ■ Billing & Rates | 33 | 23 | 16 |
| ■ Disability Issues | 9 | 11 | 8 |
| ■ Programming Issues | 23 | 8 | 5 |
| ■ Cable Modem Service | 13 | 13 | 6 |
| ■ Service Related Issues | 50 | 14 | 21 |

**Consumer & Governmental Affairs Bureau
Top Radio & Television Broadcasting Consumer Complaints
Second Quarter - Calendar Year 2003**



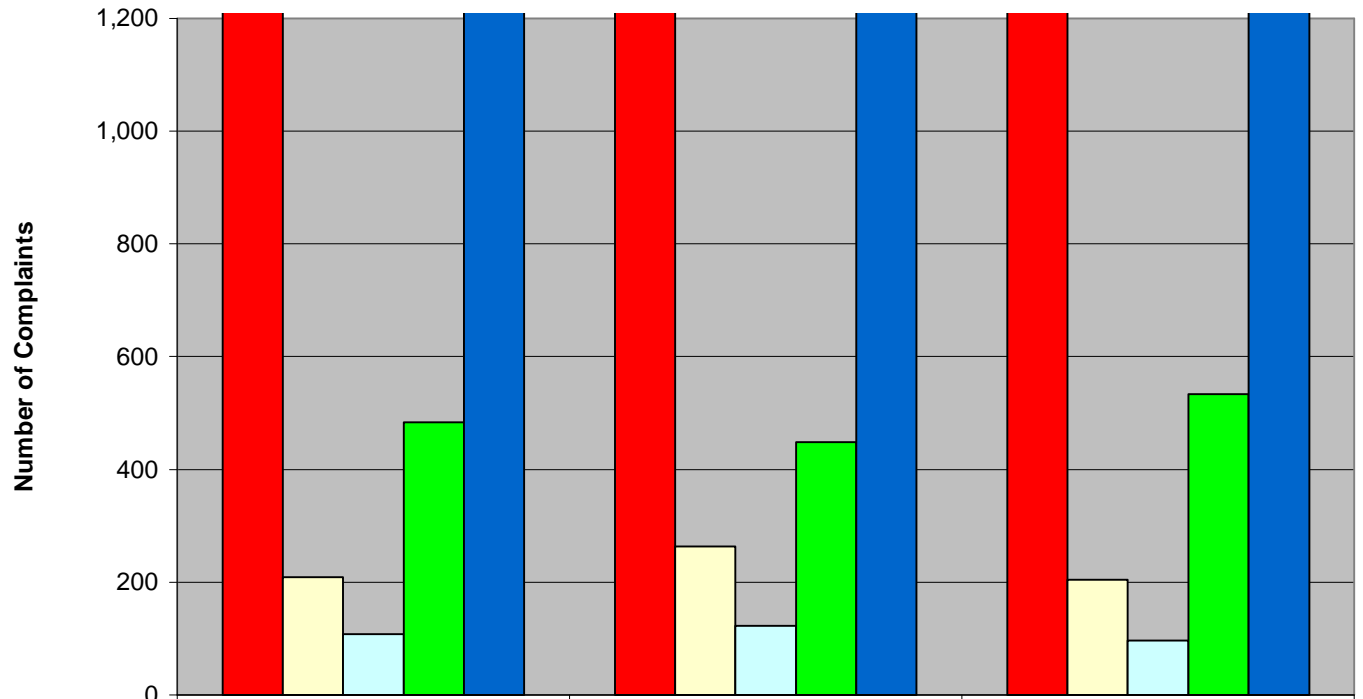
| | July | August | September |
|---------------------------------------|-------|--------|-----------|
| ■ Disability Issues | 7 | 8 | 7 |
| ■ Programming - General Criticism | 16 | 17 | 34 |
| ■ Programming - Indecency/Obscenity** | 5,552 | 8,876 | 5,492 |
| ■ Loud Commercial | 1 | 1 | 0 |
| ■ Other Programming Issues | 41 | 30 | 21 |

**Consumer & Governmental Affairs Bureau
 Top Wireless Telecommunications Consumer Complaints
 Second Quarter - Calendar Year 2003**



| | July | August | September |
|-----------------------------------|------|--------|-----------|
| ■ Billing & Rates | 844 | 794 | 1,028 |
| ■ Carrier Marketing & Advertising | 152 | 178 | 254 |
| ■ Contract - Early Termination | 184 | 215 | 266 |
| ■ Equipment | 86 | 78 | 99 |
| ■ Service Quality | 179 | 205 | 263 |

**Consumer & Governmental Affairs Bureau
Top Wireline Telecommunications Consumer Complaints
Second Quarter - Calendar Year 2003**



| | July | August | September |
|-------------------------------------|-------|--------|-----------|
| ■ Billing & Rates | 1,373 | 1,548 | 1,245 |
| ■ Carrier Marketing & Advertising | 209 | 263 | 204 |
| ■ Cramming | 108 | 123 | 97 |
| ■ Slamming | 484 | 449 | 534 |
| ■ Telephone Consumer Protection Act | 1,511 | 1,523 | 1,422 |

Summary of Top Consumer Inquiry* Subjects
Processed by the FCC's Consumer & Governmental Affairs Bureau (CGB)
Third Quarter - Calendar Year 2003

| | July | August | September | Quarter Total |
|---------------------------------------|-------|--------|-----------|---------------|
| Cable Services | | | | |
| Billing & Rates | 146 | 97 | 140 | 383 |
| Over the Air Reception Device Issues | 330 | 270 | 263 | 863 |
| Satellite Home Viewer Improvement Act | 212 | 152 | 185 | 549 |
| Satellite Issues | 227 | 183 | 207 | 617 |
| Service-Related Issues | 765 | 610 | 687 | 2,062 |
| <i>Totals</i> | 1,680 | 1,312 | 1,482 | 4,474 |

| | July | August | September | Quarter Total |
|--|-------|--------|-----------|---------------|
| Radio & Television Broadcasting | | | | |
| General Broadcast Information | 210 | 175 | 234 | 619 |
| How to Start Broadcast Station | 202 | 158 | 175 | 535 |
| Low Power Broadcast Information | 167 | 154 | 199 | 520 |
| Political Programming | 50 | 81 | 89 | 220 |
| Programming & Content | 430 | 397 | 523 | 1,350 |
| <i>Totals</i> | 1,059 | 965 | 1,220 | 3,244 |

| | July | August | September | Quarter Total |
|--------------------------------------|-------|--------|-----------|---------------|
| Wireless Telecommunications | | | | |
| Amateur License | 614 | 516 | 448 | 1,578 |
| Billing & Rates | 1,286 | 1,138 | 880 | 3,304 |
| Electrical Interference | 1,630 | 1,473 | 1,068 | 4,171 |
| General Mobile Radio Service License | 773 | 686 | 551 | 2,010 |
| Land Mobile License | 301 | 261 | 203 | 765 |
| <i>Totals</i> | 4,604 | 4,074 | 3,150 | 11,828 |

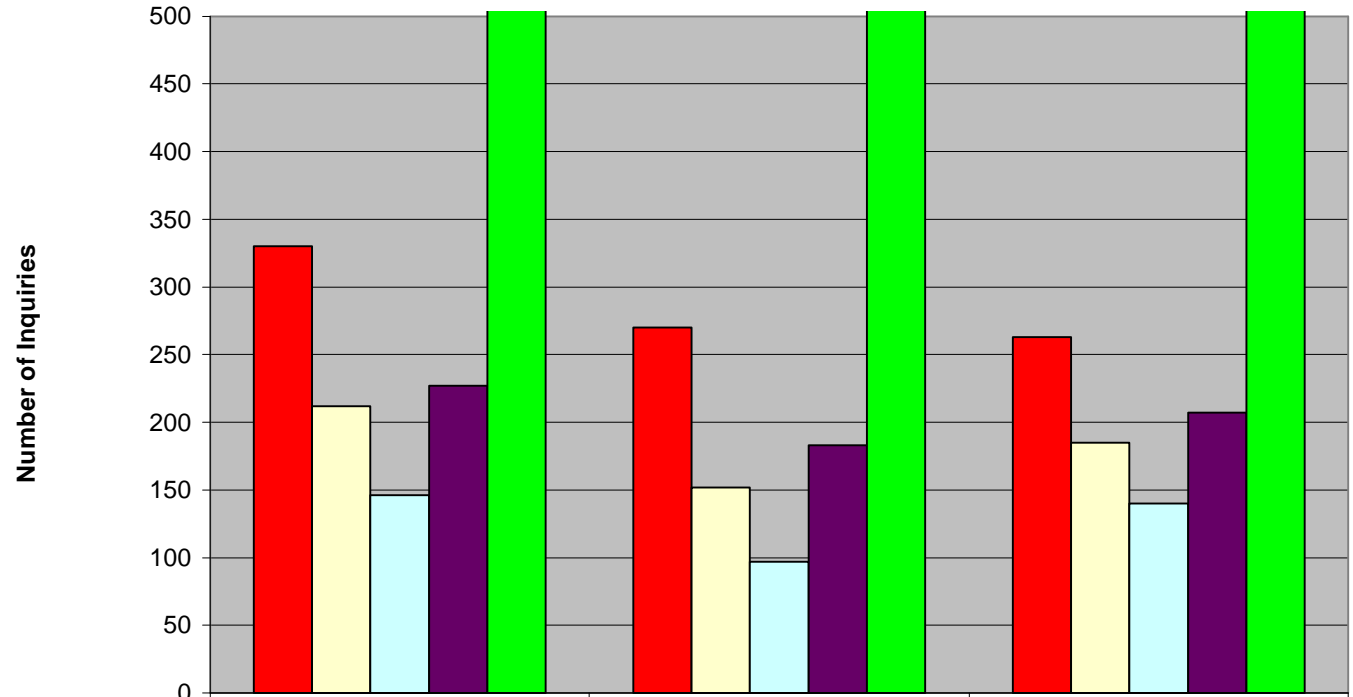
| | July | August | September | Quarter Total |
|------------------------------------|--------|--------|-----------|---------------|
| Wireline Telecommunications | | | | |
| Billing & Rates | 2,330 | 2,005 | 1,667 | 6,002 |
| Calling Cards | 119 | 113 | 79 | 311 |
| Cramming | 3,740 | 3,530 | 2,424 | 9,694 |
| Slamming | 8,000 | 7,510 | 5,944 | 21,454 |
| Telephone Consumer Protection Act | 2,094 | 2,685 | 2,310 | 7,089 |
| <i>Totals</i> | 16,283 | 15,843 | 12,424 | 44,550 |

NOTES:

* An inquiry is defined as a correspondence received at CGB's consumer centers either via letter, fax, email or telephone from individuals seeking information on matters under the FCC's jurisdiction.

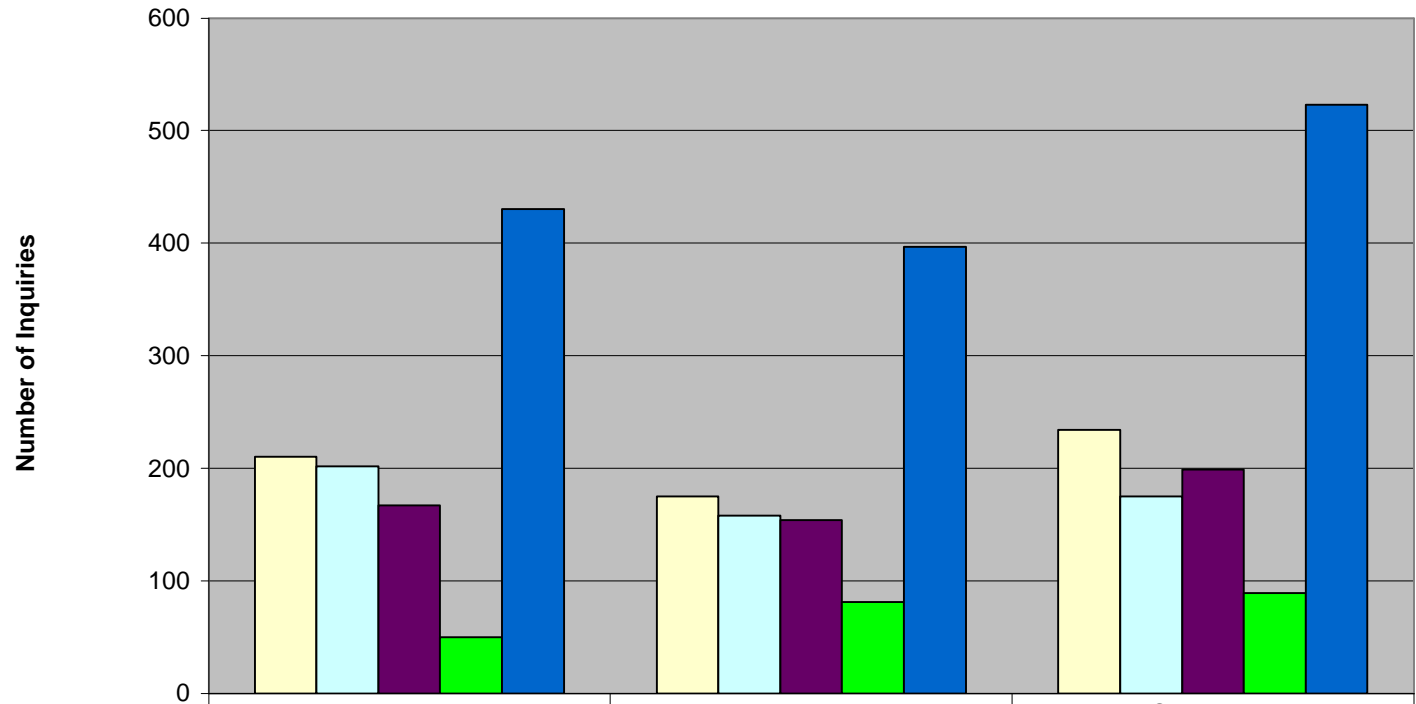
The data within this report account for statistics at the national level as reported to the Commission, and therefore are not necessarily indicative of corresponding state or local trends.

**Consumer & Governmental Affairs Bureau
Top Cable Service Consumer Inquiries
Second Quarter - Calendar Year 2003**



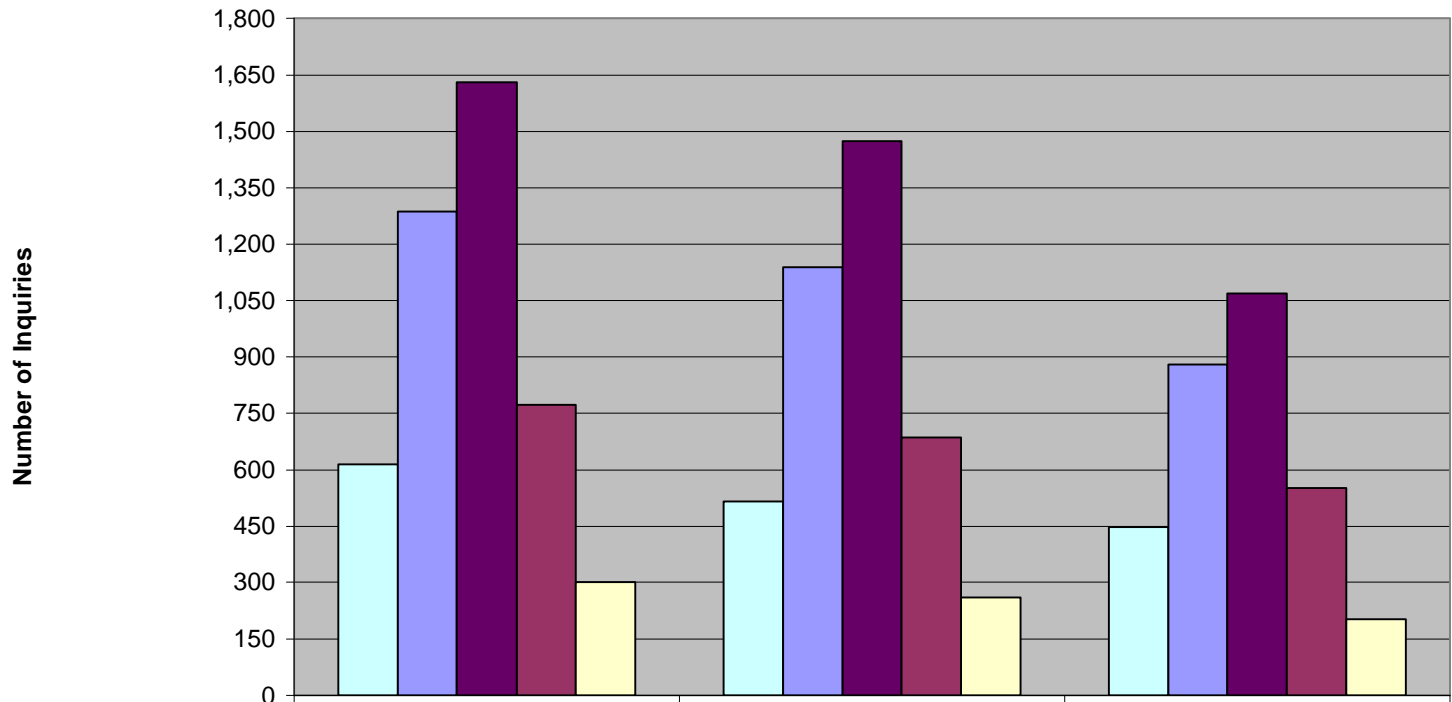
| | July | August | September |
|---------------------------------------|------|--------|-----------|
| Over the Air Reception Device Issues | 330 | 270 | 263 |
| Satellite Home Viewer Improvement Act | 212 | 152 | 185 |
| Billing & Rates | 146 | 97 | 140 |
| Satellite Issues | 227 | 183 | 207 |
| Service-Related Issues | 765 | 610 | 687 |

**Consumer & Governmental Affairs Bureau
Top Radio & Television Broadcasting Inquiries
Second Quarter - Calendar Year 2003**



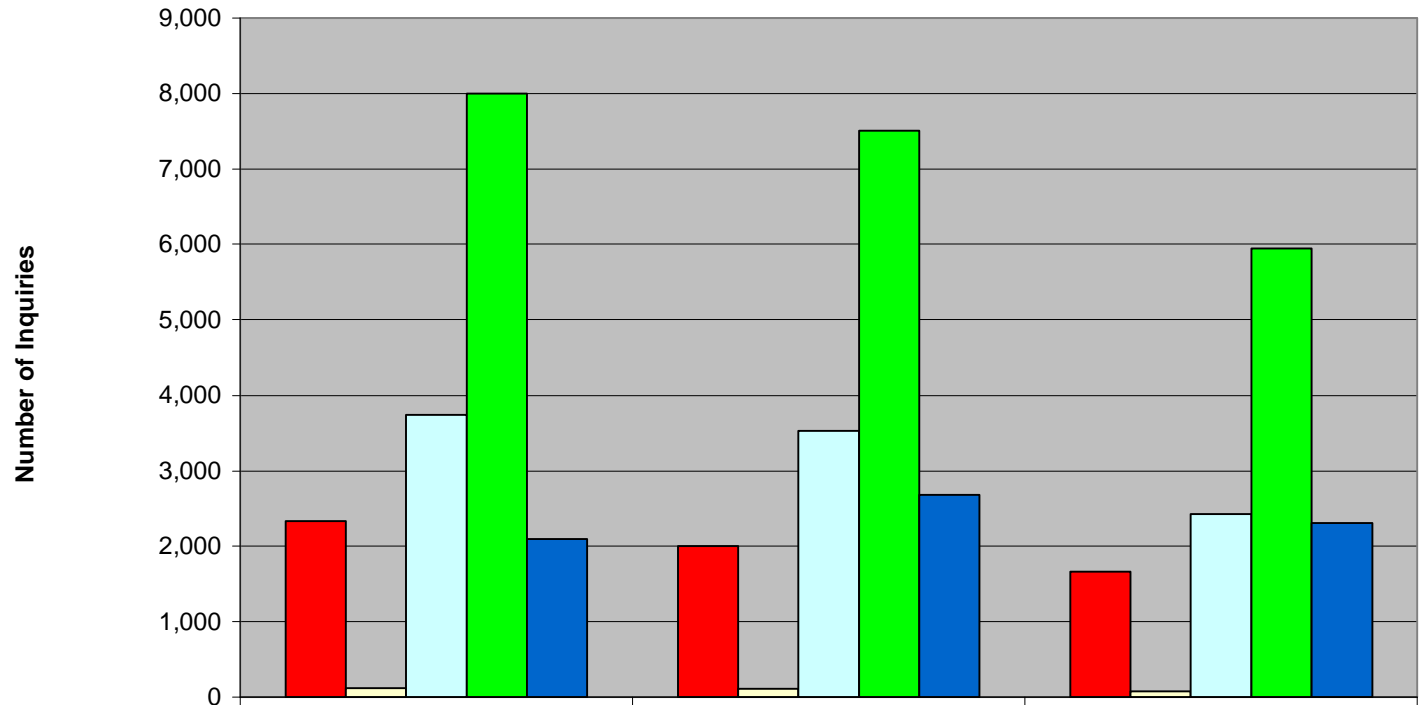
| | July | August | September |
|---------------------------------|------|--------|-----------|
| General Broadcast Information | 210 | 175 | 234 |
| How to Start Broadcast Station | 202 | 158 | 175 |
| Low Power Broadcast Information | 167 | 154 | 199 |
| Political Programming | 50 | 81 | 89 |
| Programming & Content | 430 | 397 | 523 |

**Consumer & Governmental Affairs Bureau
Top Wireless Telecommunications Consumer Inquiries
Second Quarter - Calendar Year 2003**



| | July | August | September |
|--------------------------------------|-------|--------|-----------|
| Amateur License | 614 | 516 | 448 |
| Billing & Rates | 1,286 | 1,138 | 880 |
| Electrical Interference | 1,630 | 1,473 | 1,068 |
| General Mobile Radio Service License | 773 | 686 | 551 |
| Land Mobile License | 301 | 261 | 203 |

**Consumer & Governmental Affairs Bureau
 Top Wireline Telecommunications Consumer Inquiries
 Second Quarter - Calendar Year 2003**



| | July | August | September |
|-------------------------------------|-------|--------|-----------|
| ■ Billing & Rates | 2,330 | 2,005 | 1,667 |
| ■ Calling Cards | 119 | 113 | 79 |
| ■ Cramming | 3,740 | 3,530 | 2,424 |
| ■ Slamming | 8,000 | 7,510 | 5,944 |
| ■ Telephone Consumer Protection Act | 2,094 | 2,685 | 2,310 |