

When Your Authorized Telephone Company Is Switched Without Your Permission - "Slamming"

FCC Consumer Facts

"Slamming" is the illegal practice of **switching** a consumer's traditional **wireline** telephone company for local, local toll, or long distance service without permission. The slamming rules also prohibit unreasonable delays in the execution of an authorized switch by your local telephone company. The Federal Communications Commission's (FCC's) [slamming liability rules](#) provide a remedy if you've been slammed, discourage slamming by removing the profit, and protect consumers from illegal switches. The FCC's Enforcement Bureau can also take action against slammers.

Telephone Service Choices

Equal access allows you to choose a preferred or authorized telephone company or companies to handle local, local toll and long distance calls (which include international calls except in Hawaii) from your traditional **wireline** telephone. Where equal access is available, you can choose separate authorized telephone companies for each type of call, or one authorized telephone company for all calls. For any local toll, long distance, or international call, you can use a telephone company other than your authorized company by "dialing-around" using a 1010XXX access code. To learn more about making these different types of calls, see the FCC's consumer fact sheet at www.fcc.gov/cgb/consumerfacts/local_long.html. You can change your authorized company or companies at any time, but may be charged for doing so.

You can ask your local telephone company to place a "freeze" on your account to keep anyone other than you from changing your authorized telephone company selection. After placing a freeze, you must give your local telephone company written or verbal authorization to remove the freeze and change your authorized telephone company.

What to Do if You've Been Slammed

If your authorized telephone company has been switched without your permission, call the slamming company and tell it that you want the problem fixed and, under FCC rules, don't have to pay for the first 30 days of its service. Call your authorized company to inform it of the slam, and that you want to be switched back with the same calling plan you had before the slam. Also, tell your authorized local telephone company that you want all carrier change charges (charges for switching companies) removed from your bill.

You can call the following toll-free numbers to verify your authorized telephone company or companies:

- **1-700-555-4141** for long distance and international services and
- **1+your area code+700-4141** for local and local toll services.

What to Do if You've Been Slammed (cont'd.)

If you have been slammed but HAVE NOT paid the bill of the slamming company, you DO NOT have to pay the slamming company for up to 30 days after being slammed. You also do not have to pay your authorized telephone company for any charges for up to 30 days. After 30 days, you must pay your authorized company for service, but at its rates, not the slammer's rates.

If you have been slammed, but discover it after you HAVE paid the bill of the slamming company, the slamming company must pay your authorized company 150 percent of the charges you paid the slamming company. Out of this amount, your authorized company will reimburse you 50 percent of the charges you paid the slamming company. For example, if you paid the slamming company \$100, that

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What to Do if You've Been Slammed (cont'd.)

company will have to give your authorized company \$150, and you will receive \$50 as a reimbursement. Alternatively, you can ask your authorized company to recalculate and resend your bill using its rates instead of the slamming company's rates.

Filing a Slamming Complaint

In addition to contacting the telephone companies involved if you've been slammed, you can file a complaint. There is no charge for filing. Public service commissions in thirty-seven states, the District of Columbia and Puerto Rico process slamming complaints arising within those states, and the FCC handles complaints for the remaining 13 states and one territory (Alaska, Arizona, Delaware, Georgia, Hawaii, Illinois, Missouri, New Mexico, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the Virgin Islands). If you live in a state or territory that processes slamming complaints, you can obtain the address for filing by going to www.fcc.gov/slamming or the web site of your state or territory public service commission.

If you live in one of the 13 states or territory listed above, file your slamming complaint with the FCC. The easiest way to file your complaint is to use the online complaint form found at esupport.fcc.gov/complaints.htm. You will be asked a series of questions which, when you answer, will take you to FCC Form 501, the slamming complaint form. When filing online, you must be able to attach a scanned copy of the telephone bill, welcome letter, or collection notice showing the name of the alleged slamming company and the disputed charges. You can also email the Form 501 information and a scanned copy of the bill, welcome letter, or collection notice to slamming@fcc.gov. Finally, you can fax copies of the completed Form 501 and other documents to 202-418-0035, or mail them to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
ATTN: SLAM TEAM, Room CY-A257
445 12th Street, SW
Washington, DC 20554.

Filing a Slamming Complaint (cont'd.)

Note: DO NOT use FCC Form 501 to file complaints about Internet access service (including VoIP and broadband), wireless service, or toll free numbers. File these complaints using the FCC's general complaint form, Form 2000. If you use the FCC's online complaint form at esupport.fcc.gov/complaints.htm, your answers to the series of questions should take you to the Form 2000 for these types of complaints.

What to Include in Your FCC Slamming Complaint

If you do not use the online complaint Form 501, your slamming complaint, at a minimum, should include:

- your name, address, and daytime phone number;
- the phone number or numbers that allegedly were slammed;
- the name of the telephone company that you are complaining about;
- the name of your authorized **local** telephone company;
- the name of your authorized **long distance** (including international) telephone company;
- the amount of the charges you dispute and whether you paid them; and
- a brief description of what happened.

REMEMBER: You **MUST** include a copy of **any bill you are complaining about**. Please indicate on the copy of the bill the name of the slamming telephone company and the disputed charges.

Authorized Switching Methods

Your telephone service cannot **legally** be switched from your existing authorized telephone company to a new company unless the new company verifies the switch by one of the following methods:

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Authorized Switching Methods (cont'd.)

- uses an independent third party to verify your oral authorization to switch;
- provides and obtains your signature on a letter that indicates, in writing, that you want to switch authorized telephone companies; or
- provides a toll-free number that you can call to confirm the order to switch authorized telephone companies.

NOTE: The Communications Act and FCC slamming rules make telephone companies responsible for the acts of their agents, including their telemarketers.

Rules for Verifying Telemarketing Switches

Before a telephone company can place an order to switch you to a new telephone company that you agreed to use during a telemarketing call, the company must verify your decision to switch by: (1) connecting you to a third party verifier; (2) sending you a letter of agency (LOA) to sign and return; or (3) providing you a toll-free number to call to confirm your decision electronically. The requirements for each verification method are:

Third Party Verification: All third party verifications must elicit from you: (1) the date of the verification; (2) your identity; (3) confirmation that you are authorized to make the change; (4) confirmation that you want to make the change; (5) confirmation that you understand that you are authorizing a company change, not an upgrade to existing service, bill consolidation, or any other potentially misleading description of the transaction; (6) the names of the telephone companies affected by the change (not including the name of the company you are leaving); (7) the telephone numbers to be switched; (8) the types of service involved; and (9) appropriate verification data (such as your date of birth or social security number).

Letter of Agency: Any written or electronic LOA used to confirm a telemarketing order must include: (1) your billing name and address;

Rules for Verifying Telemarketing Switches (cont'd.)

(2) each telephone number to be switched; (3) a statement that you intend to change from your current authorized telephone company to the new company; (4) a statement that you designate the new company to act as the agent for this change; and (5) a statement that you understand that there may be a charge for this change. The LOA also must be separate from any promotional material, such as prizes or contest entry forms. To the extent that a jurisdiction allows the selection of additional authorized telephone companies for local, local toll, or long distance calls, the LOA must contain separate statements regarding those choices, although a separate LOA for each choice is not necessary.

NOTE: Advertising promotions that send a check for payment to encourage you to switch telephone companies can incorporate an LOA, but must meet specific guidelines. The check must contain the necessary information to make it payable, and can't contain any other promotional language or material.

The telephone company you are switching to must place the required LOA language near the signature line on the back of the check. In addition, the company must print on the front of the check, in easily readable, bold-faced type, a notice that your signature will authorize a change in your authorized telephone company selection.

Toll-Free Number for Electronic Confirmation: Telephone companies electing to confirm sales electronically must establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect you to a voice response unit or similar mechanism that records the required information regarding the change in your authorized telephone company selection, including automatically recording the originating telephone number. Such authorization calls must be placed from the telephone number or numbers that will be switched to the new company.

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How to Protect Yourself Against Slamming

Be a careful consumer.

Always examine your telephone bill immediately and thoroughly. If you see a new telephone company name on your bill, call the number that's shown on that portion of the bill and ask for an explanation.

Be aware of the methods telephone companies can use to change your authorized telephone company legally. The FCC's rules require telephone companies to obtain your clear permission to make such a change. For example, if a new telephone company sends you an LOA to verify that you want to switch to that company, the LOA is only valid if you sign and date it. Sign, date, and return the LOA only if you are sure you want to change to the new company.

Be sure you understand that switching long distance service also means switching international service. If you are considering switching your long distance telephone company, be sure to ask whether any international calling plans you have with your current long distance company will be offered by the new company.

Be firm with telemarketers.

If you receive a call from a telemarketer about switching your authorized telephone company and you're not interested in changing, tell the telemarketer clearly. You can also ask the telemarketer to remove your telephone number from its solicitation lists, and place your residential telephone number on the national Do-Not-Call list. For more information about the national Do-Not-Call list, see the FCC consumer fact sheet at www.fcc.gov/cgb/consumerfacts/tcpa.html.

Thoroughly read all materials you receive in the mail.

If you receive a letter in the mail asking you to "verify" that you switched your authorized telephone company, and neither you nor anyone in your household authorized the change, immediately notify the sender that you did not authorize a switch. Then, immediately call your

How to Protect Yourself Against Slamming (cont'd.)

local telephone company to confirm that you want to remain with your existing authorized telephone company or companies.

Read the fine print in any sweepstakes or drawing entry form before filling it out.

The form may indicate that by signing it, you've given authorization to switch telephone companies. In some states, such forms are illegal and should be reported to the state public service commission or Attorney General's office.

Be careful when answering telephone "surveys".

Be careful in responding to telephone "surveys" about your telephone service, which sometimes can be telemarketing in disguise. If you say "yes" to any of the "surveyor's" questions, the answers may be taped and used later as verification of your agreement to switch your authorized telephone company or companies.

"Freeze" your existing authorized telephone company.

A freeze lets your local telephone company know that you do not want it to switch the telephone companies that you have selected unless it receives written or verbal authorization from you.

For More Information

For more information about slamming, visit the FCC's slamming Web site at www.fcc.gov/slamming. For information about other telecommunications issues, visit the FCC's Consumer & Governmental Affairs Bureau Web site at www.fcc.gov/cgb, or contact the FCC's Consumer Center by e-mailing fccinfo@fcc.gov; calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or writing to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, SW
Washington, DC 20554.



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For this or any other consumer publication in an alternative format (electronic ASCII text, Braille, large print, or audio), please write or call us at the address or phone number below, or send an e-mail to FCC504@fcc.gov.

To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, visit www.fcc.gov/cgb/contacts/.

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10/05/09*

