

HOW DID I END UP WITH *THIS* TELEPHONE COMPANY?

What to do when your telephone service is slammed

WHAT IS ASLAMMING@?

ASlamming@describes the practice of changing a consumer's local or long distance company without the consumer's knowledge or consent. The Federal Communications Commission (FCC) has rules that require a consumer's approval before a long distance carrier can be changed. Idaho is one of several states that have laws prohibiting slamming. Unfortunately, some telephone companies use deceptive and misleading telemarketing techniques designed to trick people into giving authorization to switch telephone companies.

WHAT ROLE DOES TELEMARKEING PLAY IN SLAMMING?

Deceptive telemarketing is the cause of many slamming complaints. Telemarketers who are out to switch your telephone company often represent themselves as well-known, established local or long distance companies who are offering discounts. For example, a long distance company may claim to be calling on behalf of your local phone company. Some consumers are slammed even though they tell the telemarketer they are not interested in switching companies.

HOW DO I AVOID TELEMARKEING CALLS?

- ! Write to the following address and ask that your telephone number be removed from all telephone solicitation lists:

**Telephone Preference Service
c/o Direct Marketing Association
P. O. Box 9014
Farmingdale, NY 11735-9014**

This step won't stop all calls, but it will reduce the number of calls you receive.

- ! Ask your local phone company to remove your nameCat no chargeCfrom lists the local phone company leases to other firms. Customers with non-listed or non-published numbers are already removed from these lists.

HOW DO I AVOID BEING SLAMMED?

- ! **Be firm with telemarketers.** If you receive a phone call about changing telephone service and you are not interested in switching your service, tell the caller that you are not interested in receiving the services of the company the telemarketer is representing. You also have the right to ask that the telemarketer remove your number from its solicitation lists.
- ! **Read carefully materials you receive in the mail.** If a company sends you a letter or postcard verifying that you switched services, immediately notify that company that you did not authorize the change and you did not ask to be switched. Then call your local telephone company to confirm that you are still with your preferred telephone company.
- ! **Read the fine print in any sweepstakes or drawing entry forms before filling them out.** It may indicate that by signing the form, authorization is being given to switch long distance companies. In Idaho, this practice is illegal and should be reported to the proper agency, the Office of the Attorney General.
- ! **Ask your local phone company for a carrier freeze® or APIC freeze®.** Placing a PIC freeze on your account means that your preferred telephone company cannot be changed without your direct authorization. Another local or long distance company cannot change your account on your behalf by simply sending an electronic request to the local telephone company. A PIC freeze is a good preventative measure, but it is not an absolute guarantee that you cannot be slammed.

WHY IS A PIC FREEZE NOT A GUARANTEE THAT MY SERVICE WON'T BE SWITCHED?

For instance, if you inform your local phone company that your preferred long distance company is XYZ Phone Company and you want a PIC freeze to XYZ, it is still possible for you to be switched by a company that buys network time from XYZ and then resells that time to consumers. These companies are called switchless resellers. The local phone company's computer will not know your service is switched because your calls are still going over the XYZ network. Your telephone bill may state that your carrier is XYZ but a reseller that buys time on the XYZ network is billing you. PIC freezes are only effective if a company using another network tries to switch you.

HOW DO I KNOW IF I HAVE BEEN SLAMMED?

- ! **Carefully examine your phone bill each month.** You may be slammed if you see the name of an unfamiliar company on your bill, or your rates are higher than what your preferred telephone company charges. Question any charges you don't understand.

Be suspicious of companies whose names you don't recognize. Sometimes customers find out they were slammed when their preferred telephone company calls them to ask why they switched, or they try to use their calling card and it doesn't work.

- ! **Call toll-free 1-700-555-4141 from your phone at any time and you will hear a recording that states the name of the underlying long distance company assigned to that line.** If the long distance company is not the one you selected, follow the steps below. For the same reason that a PIC freeze may not guarantee that your service won't be slammed, this call may not reveal slamming done by a switchless reseller.

WHAT ARE MY RIGHTS IF I GET SLAMMED?

- ! You have the right to return to your preferred telephone company without paying any type of charge for switching.
- ! You have the right to dispute any charges resulting from an unauthorized change in your telephone company. You may challenge a bill even if you have already paid it.

WHAT DO I NEED TO DO IF I HAVE BEEN SLAMMED?

You will need to make several phone calls. Do not write messages on telephone company bills or send a letter with your bill payment. These messages or letters will most likely be overlooked.

- ! **Call your local phone company.** Give them the name of the company that slammed you and ask to be reconnected to your preferred telephone company as soon as possible. Ask the local telephone company to remove any change charges from your telephone bill. (Local phone companies control the local and long distance switches, and typically charge about \$5.00 to switch a customer to another company.) Ask for a PIC freeze if you have not already done so. Sometimes your local phone company will tell you their records show you have not been switched. This will indicate to you that the company that slammed you uses the same network as your preferred telephone company. Again, this point illustrates why PIC freezes do not always work.
- ! **Call the company that slammed you.** This important step is often easier said than done. Sometimes a billing clearinghouse does the billing for the company that actually did the slamming. The company that did the slamming is not always readily identified by the billing company. Start by calling the number provided on your bill for the billing company. The billing company should be able to tell you on whose behalf it bills and can give you the telephone number for that company. If you look carefully on the page(s) provided by the billing company, you can sometimes detect the name of the company that slammed you, but typically the telephone number listed on the bill, if one is provided, is that of the billing company, not the actual telephone company.

Once you reach the telephone company directly, ask what authorization they had to switch you. The FCC requires companies to obtain verification of consumer authorization in one of three ways: (1) written authorization; (2) verification by an independent third party; or (3) electronic authorization that requires a consumer to call a toll-free number from the phone on which service will be changed. Ask the company for proof that it verified the change request.

If the company has no valid verification, ask it to remove the disputed charges or, alternatively, re-rate your charges to match those of your preferred telephone company. If you have already paid, ask for a credit or refund.

Finally, ask the company to cancel and close your account. This request is especially important if the company charges a monthly fee, which it will continue to bill until your account is cancelled.

If your long distance service was slammed, call your preferred long distance company. Explain that you were slammed. Ask the company to reinstate your account as quickly as possible. Make sure the company reinstates your discount calling plan; otherwise, you will be charged regular retail rates, which are typically much higher than rates available under discount calling plans. Ask the company how long it will take to switch you back. Call toll-free 1-700-555-4141 from your phone to verify that you are switched back to your preferred company.

- ! **Check your telephone bill.** Check your bill each month to make sure your preferred local or long distance company is carrying your calls. Watch for credits you have been promised. It can take up to two billing cycles for the credits to appear on your telephone bill. If you do not see the credits after two billing cycles (approximately two months), call the company again.
- ! **Contact you local telephone company.** Let your local phone company know if you disputed charges with the company that did the slamming and advise them of any promised credit adjustments. Your local phone company should note your account that you disputed the charges and remove the disputed charges from your phone bill.

IF I HAVE BEEN SLAMMED, SHOULD I REPORT IT TO SOMEONE?

Yes. Several federal and state agencies have a role.

- ! The Federal Communications Commission (FCC) has policies and rules that prohibit slamming. The FCC enforces these policies and rules by conducting inquiries into individual complaints and patterns of slamming practices. It has the authority to fine companies that aren't playing by the rules. The FCC won't know about the bad players unless consumers report them. To file a complaint with the FCC, write: Federal Communications Commission, Common Carrier Bureau, Consumer

Protection Branch, The Portals, Room 5-B724, 445 12th Street, N.W., Washington, D.C. 20554. Or, call toll-free: 1-888-225-5322.

- ! The Federal Trade Commission (FTC) has policies and rules to protect consumers from deceptive and abusive telemarketing practices used in slamming. The FTC does not resolve individual consumer disputes, but complaints, comments, or inquiries may help the FTC spot a pattern of law violations requiring law enforcement action. Complaints filed with the FTC also help the FTC recognize and tell people about larger trends affecting consumers. To file a complaint with the FTC, write: Federal Trade Commission, CRC-240, Washington, D.C. 20580-0001. You may file a complaint electronically on the FTC's website at <http://www.ftc.gov>. Or, call: 1-877-382-4357.

- ! The Idaho Public Utilities Commission regulates public utilities and provides information and dispute resolution services to consumers. To file a complaint with the Idaho PUC, write: Idaho PUC, P.O. Box 83720, Boise, ID 83720-0074. You may file a complaint electronically on the IPUC's website at <http://www.puc.state.id.us>. Or, call toll free: 1-800-432-0369. Consumers located in the Treasure Valley calling area call: 334-0369.

- ! The Office of the Attorney General enforces consumer protection laws and can assist consumers with complaints. To file a complaint with the Attorney General, write: Office of the Attorney General, Consumer Protection Unit, P.O. Box 83720, Boise, ID 83720-0010. Or call toll-free: 1-800-432-3545.