

Telecom Consumer Information: It is Available and Accessible!, September, 2010

Often, when given the chance, I tend to gripe a bit about how consumer unfriendly and insensitive telecom providers and regulators are to consumers, be they enterprise or individual. I have no trouble dashing off (and actually mailing) a feisty letter when a client doesn't get the service for which it has paid. But in order to avoid ever crying wolf, I'm not hesitant about writing nice letters when my client(s) receive customer service that's above and beyond what was contemplated. For me, the ratio of nastygrams to nice letters has to be 1 to 1. But I digress...

One of the broadcast goals of the Federal Communications Commission in the current administration was to create a site where consumers could go to get questions answered. Unlike many "official" website promises that ultimately yield websites that are as friendly as sandpaper on a sunburn, the FCC has really done a great job with its new website for consumers. While this website is not geared to corporate, enterprise, or other large users, it does provide a clear description of hot topics focused on issues of interest to the individual consumer that fall under the FCC's jurisdiction (read: almost everything that isn't strictly intrastate telecommunications, which falls under the purview of the fine New York State Public Service Commission (NYSPSC)). The FCC is to be congratulated not only for creating its new site, but for keeping it current as well. Please see www.fcc.gov/consumers.

The website is currently displaying relevant information on such hot topics as privacy and online security, issues related to broadband for consumers (including how to know if the ads that are currently airing are providing an accurate picture of options), bill shock relating to big jumps in wireless expenses, early termination fees, tips for wireless users who plan on using their devices overseas, and a fact sheet library chock full of interesting telecom cocktail party chatter tidbits including clear explanations of the ever popular cramming, slamming, and splashing scams, among others.

In addition, New York State also has a number of options for consumers who are having telecommunications troubles (or, for that matter, any other utility). The webpage which provides access to consumer information is

<http://www3.dps.state.ny.us/W/PSCWeb.nsf/ViewCat?ReadForm&View=ArticlesByCategory&Cat=Consumer>.

Although this site offers some relevant information, it's not as consumer-oriented as is the FCC's. However, what the NYPSC does have is a wonderfully helpful staff who are able to either solve problems (or force carriers to do so), or direct consumers to the right place to secure the help they need. The New York State Department of Public Service, Office of Consumer Services can be reached at 800-342-3377, and the people who staff these phones know how to help. I say this with experience and gratitude.

The bigger question remains how to know which issues are state and which are federal. This question, among many others in all disciplines of law and life, used to be easy – or at least easier – to answer. It used to be, as recently as 5 or 10 years ago, that

services that were strictly intrastate went to the PSC while those that were interstate or international went to the FCC.

In the current environment, it's much more difficult to classify exactly what is intrastate and what is interstate because of the technology that underlies the transmission. That's because with the widespread use of internet technology as the foundation for many enterprise (read: business and government) telephone systems (those devices with buttons that sit on desks and ring or beep or play "The Sabre Dance"), what was once clearly "voice" no longer qualifies as such. By using Internet Protocol, telephone systems – particularly those that are less than 5 years old, convert voice signals which are, by definition, analog, into digital signals. This transformation allows voice to be transmitted as data, which means that even though the phone sounds "normal," the analog voice signals conversion to digital allows minute packets of data to be transmitted from Point A to Point B in a variety of ways.

So long as the packets are reassembled at Point B, it really doesn't matter what route they take to get there. This means that a call from an office in East Aurora to an office in Buffalo may actually be routed through a switch in Cleveland and San Diego and Rochester. Again, as long as the packets arrive at the same place (Point B) at the same time and in the right sequence, the call sounds "normal." In this scenario, which is not at all unusual, the question is whether this is an intrastate call or an interstate one.

Although this explanation may provide more information than you ever wanted to know, the fact is that if there's a telephone problem that requires intervention, it's not as

clear as it once was to know who to call. The FCC's new website can be helpful in providing general information to increase understanding, while the staff of the NYPSC's Office of Consumer Services knows its stuff and can intervene in some situations.

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On a separate note, (and because this issue came up in my own family recently) if you are using DSL, which uses a different segment of the capacity on a traditional phone line, and if you opt to change carriers for traditional telephone service (for example, if you opt to leave Verizon, which provides DSL and go to Time Warner), be advised that you will lose your DSL and internet connection. Time Warner can provide high speed internet access, of course, but it's different from DSL, and the transition from one form of broadband to another is not a no-brainer. Being aware that a provider change can cause changes in available services (such as broadband internet access) will enable you to have a full arsenal of facts before making the right decision.