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## Consumer Code For Wireless Service — Help Or Hindrance?

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While the hurricanes of activity surrounding MCI's re-emergence into the marketplace are still swirling at full tilt (it is hurricane season, after all), before spending more time sorting out what the outcome might be, I thought I'd use this opportunity to highlight some recent developments in the world of wireless telephony. Very current issues include a newly announced self-imposed/inflicted 10-point "Consumer Code for Wireless Service" developed by the Cellular Telephone Industry Association (CTIA) in its effort to stave off pending regulation, the issue of number portability, or the ability to transfer a wireless number from one wireless carrier to another, and finally enhanced 911, or E-911 services.

On Sept. 9, 2003, the CTIA (<http://www.ctia.org>) announced its new "Consumer Code for Wireless Service" with much fanfare in Washington. While on a conceptual level, the 10 point list contains components that seem reasonable, after a cursory review, it's unfortunate to note that the code provides neither any substantive tools to assist consumers nor sufficient teeth to enforce anything against an industry that offers a valuable and necessary service for many at prices and terms that are often less than friendly.

The new consumer code, which is available on the web at <http://www.wow-com.com/consumer/issues/articles.cfm?id=1295>, applies only to those carriers that are signatories to it. That is, while the largest national carriers and some of the smaller ones have "signed on," or, as their press release says "voluntarily adopted its principles, disclosures and practices for individual consumers," there is no explicit provision for corporate users, or, for that matter, an actual implementation schedule either.

Additionally, while many of the code's elements seem positive, after reviewing the small print, it's apparent that these "positive steps" are thin concessions offered primarily to entice new customers. Included are a 14-day trial period for new customers where a phone can be returned (although usage charges will be billed, which seems only fair), and the assurance that signatory carriers will make available "at a point of sale and on their websites maps depicting approximate voice service coverage applicable to each ... rate plan(s) currently offered to consumers."

Other items included in the code are what most people would consider ethical business practices, not policies that are particularly consumer friendly. As an example, item 3 reads as follows: "When a customer initiates service with a wireless carrier or agrees to a change in service whereby the customer is bound to a contract extension, the carrier will provide or confirm the material terms and conditions of service with the subscriber."

The fact that the CTIA believes that this is a step forward only shows how little respect the lobbying arm of the wireless industry

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has had for its customers. The bottom line is that this 10-point manifesto is both hollow and unenforceable. So despite the great advance publicity, wireless customers still, as always, need follow the famous Latin phrase *caveat emptor*.

In terms of number portability, or the ability of a customer to move his/her phone number from one carrier to another within a given geographic area, there have been some recent developments on the wireless front. While land line numbers have been portable for quite some time, wireless numbers cannot, at the present time, be moved among and between carriers. This will change, however, in November of this year when, (Nov. 24, to be exact) the FCC requires wireless carriers to allow portability among themselves.

This move, which does not create huge technology challenges, is viewed as a major victory for those who want to bring enhanced competition to the wireless marketplace. Certainly it pits the big carriers who have the most to lose if their customers walk to better offerings and take their numbers with them, against the smaller carriers who have the most to gain in their smaller markets. It will be very

interesting to watch this play out.

The issue of wireline to wireless number portability has the potential to dramatically alter the shape of the telecommunications marketplace — particularly for consumers — even though there are no concrete plans for such a move. An official of the Gartner Group has recently suggested that the FCC is preparing to take preliminary steps in this direction in or by mid-2004, but this has not been confirmed.

While many people have begun the migration from having both wireline and wireless phones to only wireless phones, I have been reluctant to advise anyone to make this leap primarily because of the limits on 911 service with wireless phones. However, by the time any substantive action has been taken on this front, I expect that those in the forefront of not only E-911 policy, but its implementation as well, will have solved the issues that have plagued both wireless carriers and regulators.

Once wireless phones can transmit accurate and reliable physical location information to emergency personnel, and once individuals can transfer their numbers from wireline to wireless and back with reckless abandon, the voice marketplace will be forever and dramatically changed and consumers will have more options. We may still be asking "can you hear me now?" but we'll have many more options from which to place the call than we do today.

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