

June 7, 2013

Hon. Donald S. Clark
Federal Trade Commission
Office of the Secretary
Room H-113
600 Pennsylvania Avenue, NW
Washington, DC 20580

Via electronic filing: <https://ftcpublic.commentworks.com/ftc/mobilecramming/>

Re: FTC Mobile Cramming Roundtable, Project No. P134803

Dear Secretary Clark:

The undersigned organizations (“Public Interest Commenters”) hereby submit these comments in response to the Federal Trade Commission’s *Notice Announcing Public Workshop and Requesting Public Comments* regarding the Commission’s Mobile Cramming Roundtable held on May 8, 2013.¹

I. Summary

Cramming -- the unauthorized placement of charges on telephone bills -- is a significant and growing threat to millions of American wireless subscribers. This fraud is believed to cost American consumers hundreds of millions of dollars annually. While the stakeholders in the third-party billing ecosystem have attempted to address this threat through a variety of voluntary self-regulatory mechanisms, it is clear that these efforts have not adequately protected the nation’s wireless subscribers. As it considers the issue of wireless cramming the Federal Trade Commission (“Commission” or “FTC”) should keep in mind the failure of more than a decade of industry self-regulatory efforts in significantly controlling cramming rates on wireline phone bills. The FTC should therefore take regulatory action to better protect wireless telephone users from cramming fraud.

II. Wireless Cramming is a Serious and Growing Problem

Cramming on wireless telephones is a serious and growing threat to consumers. The Commission estimated that there were 400,000 instances of fraud involving “Games or Other Programs Delivered to a Cell Phone or Other Mobile Device,” in 2011 alone.² More specifically, the Commission has also reported receiving more than

¹ Federal Trade Commission. “FTC to Host Mobile Cramming Roundtable May 8,” Press Release. March 8, 2013. Online: <http://www.ftc.gov/opa/2013/03/mobilecramming.shtm>

² Federal Trade Commission. *2011 FTC Fraud Survey*. Pg. 28. April 2013. Online: <http://www.ftc.gov/os/2013/04/130419fraudsurvey.pdf>.

1,800 complaints of unauthorized charges on wireless bills since 2010.³ The FTC has also stated that this number also likely understates the true scale of wireless cramming fraud.⁴

The Federal Communications Commission (“FCC”) reported that cramming complaints related to wireless service appears to have “nearly doubled” from 2008-2010 to 2011.⁵ This significant and worrying increase demonstrates the growing threat of wireless cramming.

While these statistics are alarming enough, consumer complaint data likely understates the scope of wireless cramming fraud. As the FCC has noted, cramming charges are intentionally for small amounts, may have misleading labels and may be buried in multi-page wireless bills. In addition, consumers often are unaware of how to file complaints disputing such charges. Therefore, the number of cramming complaints reported to agencies such as the FCC and FTC likely substantially understates the true extent of the problem.

Recent enforcement actions by state and federal regulators against cramming operations further illustrate the growing threat of this fraud on wireless devices.

In May 2012, Arizona-based third-party service provider JAWA agreed to a \$2 million settlement with the Texas Attorney General’s office.⁷ The settlement came in response to allegations that JAWA was engaged in a “a sophisticated, multi-million dollar scheme whereby Defendants place unauthorized, misleading, and deceptive charges on consumers’ cell phone bills[.]”⁸

In April 2013, the Commission filed its first enforcement action against a wireless cramming operation – Wise Media.⁹ In its complaint, the Commission alleged that Wise Media has “made millions of dollars” due to mobile cramming charges.¹⁰

³ Reply Comments of the Federal Trade Commission. FCC CG Docket 11-116, at 5. (Filed July 20, 2012). Online: <http://www.ftc.gov/os/2012/07/120723crammingcomment.pdf>

⁴ *Ibid* at 25 (Footnote 50). “Consumers can only tell an interviewer that they have received an unauthorized bill if they noticed it. Consumers would not know that they had been victims of this type of fraud if unauthorized charges were placed, for example, on their credit card or telephone bills but were not noticed and just paid.”

⁵ Report and Order and Further Notice of Proposed Rulemaking, FCC 12-42. pps 20-21, 47. 77 Fed. Reg. 30972 (May 24, 2012).

⁷ Office of the Attorney General of Texas. “Texas Attorney General Abbott Resolves Text Message Fraud Investigation in JAWA, Related Entities,” Press Release. May 9, 2012. Online: <https://www.oag.state.tx.us/oagnews/release.php?id=4047>

⁸ *State of Texas v. Eye Level Holdings et al.* Plaintiff’s Original Verified Petition and Application for *Ex Parte* Temporary Restraining Order, Temporary Injunction, And Permanent Injunction, at 2. March 9, 2011. Online:

https://www.oag.state.tx.us/newspubs/releases/2011/030911eyelevelholdings_pop.pdf

⁹ Federal Trade Commission. “FTC Files Its First Case Against Mobile Phone ‘Cramming,’” Press Release. April 17, 2013. Online: <http://www.ftc.gov/opa/2013/04/wisemedias.htm>

In 2012, major local exchange carriers including Verizon, AT&T and Centurylink chose to discontinue providing landline third-party billing services for “enhanced” services (i.e. services not related to the underlying telephone service).¹¹ Given the decision by major wireline carriers to cease billing for non-telecom third-party services as well a new anti-cramming laws and regulations initiated by the states and the FCC, we believe that more cramming fraud operators will migrate their schemes from the wireline billing platform to the wireless billing platform.

III. Cramming Fraud Costs Consumers Millions of Dollars Annually

Anecdotal evidence suggests that wireless cramming fraud is extremely lucrative for its perpetrators. For example, in its complaint against Wise Media, the FTC alleges that the company made “millions of dollars” through its mobile cramming scam.¹² In May 2012, JAWA settled with the state of Texas for \$2 million as a result of that state’s allegation of cramming fraud.¹³ The proceeds from JAWA’s alleged cramming operation were evidently sufficient for JAWA CEO Jason Hope to pay for a \$500,000 party for his employees featuring paid celebrity appearances.¹⁴ Public Interest Commenters strongly believe that Wise Media and JAWA are just the tip of the iceberg. Given the proliferation of mobile phones and the lucrative nature of cramming fraud, scam artists are undoubtedly operating many other schemes similar to these.

There is very little publicly available industry data on the size of the third-party billing market overall. However, based on data collected by the California Public Utilities Commission (“CPUC”), the FCC, and others, it is possible to estimate the size of the third-party billing market and the cost of cramming fraud to U.S. consumers.

¹⁰ Wyatt, Edward. “U.S. Accuses Company of Adding Mobile Fees,” *The New York Times*. April 17, 2013. Online: http://www.nytimes.com/2013/04/18/business/ftc-takes-aim-at-unwarranted-cellphone-charges.html?_r=0

¹¹ U.S. Senate Committee on Commerce, Science & Transportation. “Rockefeller Introduces Telephone Bill Anti-Cramming Legislation,” Press Release. June 14, 2012. Online: http://www.commerce.senate.gov/public/index.cfm?p=PressReleases&ContentRecord_id=866363cc-26e0-4243-8ec2-8b7916b99336

¹² See *FTC v. Wise Media, LLC et al* (N.D. Georgia, 2013) at 5. Case No. 1:13-CV-1234. FTC File No. 122 3182. Online: <http://www.ftc.gov/os/caselist/1223182/130417wisemediacmpt.pdf>

¹³ O’Grady, Patrick. “Jawa, Jason Hope agree to \$2M settlement with Texas,” *Phoenix Business Journal*. May 10, 2012. Online: http://www.bizjournals.com/phoenix/morning_call/2012/05/jawa-jason-hope-agree-to-2m.html?page=all

¹⁴ O’Connor, Maureen. “The Party King of Scottsdale’s \$500,000 Christmas Fete,” *Gawker*. December 22, 2010. Online: <http://gawker.com/5715684/the-party-king-of-scottsdales-500000-christmas-fete>

The 2013 CPUC *Cramming Report*¹⁵ states that in 2011, wireless carriers in California reported billing \$171 million for third-party products and services and refunded \$24.9 million to consumers – a refund rate of 14.5 percent. According to the FCC’s *Wireless Competition Report*,¹⁶ there were an estimated 34,892,000 wireless subscribers in California and 298,293,000 wireless subscribers nationally in 2011. Extrapolating the California data to a national scale therefore yields an estimated \$1.46 billion in third-party charges assessed on consumers’ bills nationally in 2011 of which \$211.97 million was refunded.

The non-profit Illinois Citizens Utility Board (“CUB”) estimates that wireless cramming fraud could cost American consumers up to \$59 million annually.¹⁷ The analysis, by CUB and the Houston-based mobile intelligence firm Validas, found that the percentage of charges on consumers’ wireless bills that appear to be fraudulent grew from 39% for the twelve-month period ending July 2011 to 44% for the twelve-month period ending July 2012.

If anything, the CUB data should be considered a best-case scenario as to the true extent of cramming fraud. Beginning in late 2012, on behalf of the Vermont Attorney General’s office, the Center for Rural Studies at the University of Vermont reached out to nearly 1,000 consumers in that state who had third-party charges placed on their mobile phone bills. Those consumers reported that 60.8 percent of the third-party charges placed on their bills were unauthorized. More than 55 percent of the consumers reported that they were not aware that the charges had been placed on their mobile phone bills. More than three-quarters (78.9 percent) of Vermont consumers were unaware that it was even possible for third-party service providers to charge them in this manner.¹⁸

Multiplying the \$1.46 billion annual wireless third-party market size estimate by the 44-60.8 percent fraudulent charge rate ranges of CUB and the Vermont Attorney General, respectively, results in an annual estimated cost to American consumers from wireless cramming of between \$642 -\$887 million per year. Clearly, this is a scam that demands attention by regulators.

¹⁵ See generally: California Public Utilities Commission. *January 2013 Cramming Report* (“CPUC Cramming Report”). Online: <http://www.cpuc.ca.gov/NR/rdonlyres/640BBC76-0B2F-4C6A-8A44-22B79C8D776C/0/CrammingReportreD10100341113final.doc>

¹⁶ See generally: Federal Communications Commission. 16th Annual Mobile Wireless Competition Report (“Wireless Competition Report”). Table B-2. March 21, 2013. Online: http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db0321/FCC-13-34A1.pdf

¹⁷ Citizens Utility Board. “Analysis: Frequency of cellphone ‘cramming’ scam doubles in Illinois, CUB concerned wireless customers targeted as landline law tightens,” Press Release. December 4, 2012. Online: http://www.citizensutilityboard.org/pdfs/NewsReleases/20121204_CellPhoneCramming.pdf

¹⁸ Kolodinsky, Jane. *Mobile Phone Third-Party Authorization Study*. Center for Rural Studies at the University of Vermont. May 5, 2013. Online: <http://www.atg.state.vt.us/assets/files/Mobile%20Phone%20Third-Party%20Charge%20Authorization%20Study.pdf>

IV. The Wireless Third-Party Billing Platform is the Chokepoint for Cramming Fraud

As has been the case with wireline cramming, wireless cramming fraud is largely the result of an insecure third-party billing platform made up of three distinct stakeholders:

- Wireless carriers who maintain direct billing relationships with their customers;
- Billing aggregators who contract with wireless carriers to bill on behalf of multiple third-party service providers; and
- Third-party service providers who can charge for a near-limitless variety of products and services.

Each of the three sets of stakeholders benefit when a third-party charge is placed on a consumer's wireless bill. The wireless carrier physically bills the end user, processes payment, and remits the third-party service charge – minus a fee – to the billing aggregator (or, less often, directly to the third-party service provider). The billing aggregator accepts payment from the wireless carrier and remits the remainder of the charge – again, minus a fee – to the third-party service provider. The third-party service provider, the ultimate originator of the product or service the consumer paid for is then compensated.

While the wireless billing ecosystem may be mutually beneficial for these three sets of actors, it is unfortunately an inherently insecure billing platform. Typically, a third-party service provider only needs a consumer's wireless phone number and a confirmation by the wireless customer (most often via text message) to commence billing. The record is abundantly clear that this method of verification is prone to deception and outright fraud. For example, in the Commission's complaint against Wise Media, the Commission found that consumers were billed for services whether they responded to confirmatory text messages or simply ignored them.¹⁹ In the Texas Attorney General's complaint against JAWA, consumer "authorization" for charges was obtained through deceptive websites and confusing confirmation text messages.²⁰

An added danger for consumers is that the wireless billing ecosystem lacks many important consumer protections. The Fair Credit Billing Act²¹ and Electronic Funds Transfer Act²² limit consumers' liability for unauthorized charges on their credit or

¹⁹ Federal Trade Commission. *Wise Media Complaint* at 8. Online:

<http://www.ftc.gov/os/caselist/1223182/130417wisemediacmpt.pdf>

²⁰ See e.g. Presentation of Paul Singer, Assistant Attorney General, Consumer Protection Division, Attorney General's Office of Texas before the FTC Mobile Cramming Roundtable. May 8, 2013. Online: <http://www.ftc.gov/bcp/workshops/mobilecramming/State%20of%20Texas%20v%20%20Eye%20Level%20Holdings%20et%20al.ppt>

²¹ 15 U.S.C. § 1601 *et seq.*

²² 15 USC 1693 *et seq.*

debit cards. By comparison, while wireless third-party billing in many ways resembles debit or credit card billing, it offers none of the protections from fraud. In essence, consumers are at the mercy of their wireless carriers to agree to credit their accounts for fraudulent charges.

V. Wireline Cramming Experience Demonstrates That Industry Self-Regulation Is Unlikely to Sufficiently Reduce Wireless Cramming Rates

Beginning in the 1990's, Congress and state and federal regulators -- including the Commission -- investigated the growing incidence of cramming fraud on wireline telephone bills.²³ In response, the FCC and the largest local exchange carriers ("LECs") developed voluntary industry guidelines to address the problem.²⁴ The LECs later urged Congress to avoid legislative action and allow the industry to implement the voluntary guidelines.²⁵ To date, the only mandatory federal cramming protections available to wireline subscribers are the FCC's "Truth-in-Billing" rules. These regulations require LECs to provide bills that contain "full and non-misleading descriptions" of third-party products and services and a clear indication of the company responsible for the charge.²⁶

For more than a decade, the LECs relied on their voluntary industry guidelines and the FCC's "Truth-in-Billing" regulations to address the continuing threat of cramming on landline telephones. This strategy proved to be singularly insufficient to controlling cramming fraud on wireline telephone bills. In June 2011, the FCC estimated that 15 to 20 million households were affected by cramming annually.²⁷ Dozens of law enforcement actions have been brought against cramming fraud operators by state and federal regulators. By late 2011, it was clear to many, including consumer advocates,²⁸ nearly two dozen state attorneys general²⁹ and the

²³ See e.g. Federal Trade Commission Report, *Fighting Against Fraud: The Case Against Cramming*. June 1999. Online: <http://www.ftc.gov/reports/Fraud/3rd/fightingconsumerfraud.shtm>

²⁴ See e.g. Federal Communications Commission, *Anti-Cramming Best Practices Guidelines*. July 1998. Online: http://www.fcc.gov/Bureaus/Common_Carrier/Other/cramming/cramming.html

²⁵ See 1998 Senate Cramming Hearing, supra, note 3; Subcommittee on Telecommunications, Trade, and Consumer Protection for the House Committee on Commerce, *Hearing on Protecting Consumers Against Cramming and Spamming*, 105th Cong. Sep. 23, 1998.

²⁶ Federal Communications Commission, *Truth-in-Billing and Billing Format*, CC Docket No. 98-170, First Report and Order, 14 FCC Rcd. 7492. May 11, 1999.

²⁷ Federal Communications Commission. *Cramming Infographic*. June 22, 2011. Online: <http://transition.fcc.gov/cgb/cramminggraphic.pdf>

²⁸ See e.g. Comments of the National Consumers League. FCC CG Docket 11-116 at 4 (filed October 24, 2011) ("The evidence of substantial and widespread consumer harm from cramming is conclusive and strongly suggests that existing anti-cramming measures have failed to control the problem.").

²⁹ See e.g. Comments of New York State Attorney General et al. FCC CG Docket 11-116 at 6 (filed October 24, 2011) ("In recent years, the Attorneys General have seen a dramatic rise in the number of cramming complaints;").

Commission itself³⁰ that self-regulation by the LECs and the FCC's "Truth-in-Billing" rules were not significantly reducing cramming fraud.

In 2012, as they faced the threat of legislation,³¹ the major LECs elected to discontinue offering wireline third-party billing for "enhanced" services. As the Commission examines existing wireless anti-cramming protections, it should be mindful that for more than a decade, reliance on industry self-regulation and the FCC's "Truth-in-Billing" rules resulted in tens of millions of consumers being defrauded via their wireline telephone bills.

VI. Current Wireless Anti-Cramming Strategies Are Flawed And Unlikely To Prevent Increasing Fraud Rates

The wireless third-party billing ecosystem relies on a variety of strategies to prevent cramming fraud. Unfortunately, given the significant number of consumers who are being defrauded, these counter-measures do not appear to sufficiently address the problem. We believe that this is because anti-fraud measures rely a great deal on consumers spotting and reporting suspicious charges on their wireless bills.

Wireless carriers encourage their subscribers to contact their customer service departments when they spot a potentially unauthorized charge on their bills. All of the major wireless carriers have adopted a policy known as "one and done."³² Under this policy, wireless carrier customer service representatives are empowered to address a consumer's concern about unauthorized charges. Unfortunately, there is plentiful evidence in the record that when consumers call their wireless carrier to report an unauthorized charge, the carriers may deny responsibility to refund the charges.³³

³⁰ See e.g. Comments of the Federal Trade Commission. CG Docket 11-116 (filed October 24, 2011) ("The evidence gathered by the staff of the Senate Commerce Committee in its cramming investigation demonstrated the pervasive nature of the cramming problem on the third-party telephone billing platform.")

³¹ U.S. Senate Committee on Commerce, Science & Transportation. "Rockefeller Introduces Telephone Bill Anti-Cramming Legislation," Press Release. June 14, 2012. Online: http://www.commerce.senate.gov/public/index.cfm?p=PressReleases&ContentRecord_id=866363cc-26e0-4243-8ec2-8b7916b99336

³² Statement of Mike Atschul, CTIA Senior Vice President and General Counsel, at the FTC Mobile Cramming Roundtable. May 8, 2013. Available online: http://www.ftc.gov/video-library/transcripts/130508mobilecramming_sess3.pdf

³³ See e.g. Segal, David. "To Stop Cellphone Cramming, Don't Let It Start," *The New York Times*. April 7, 2012. ("Mr. Wall wrote. 'Anyway, I called AT&T and was initially told that the company has no responsibility for the charges — eight months of HoroscopeGenie from Wise Media. I was offered a credit for two months of payments, which prompted me to threaten to drop my service and join a lawsuit.') Online: http://www.nytimes.com/2012/04/08/your-money/cellphone-cramming-gets-a-second-look.html?_r=0

According to the Vermont Attorney General’s survey more than three-quarters of consumers in that state were unaware that their wireless bills could be used to bill for unrelated services.³⁴ Given that consumers are generally unaware that they should even look for these types of unauthorized charges, industry anti-cramming protections based on consumers’ self-reporting of suspicious charges will generally be of limited usefulness.

The Mobile Marketing Association (“MMA”) maintains its own guidelines³⁵ that are intended to serve as best practices for wireless carriers, billing aggregators and third-party service providers. The core consumer protections in the MMA guidelines include a requirement that third-party marketers obtain a consumer’s double opt-in prior to billing commencing, include various disclosures, and provide clear opt-out opportunities. While these guidelines provide a roadmap for legitimate third-party service providers, there are of limited efficacy to preventing cramming fraud, as the Wise Media and JAWA cases illustrate. In addition, the growing prevalence of mobile malware that actively circumvents the double opt-in process to enable cramming fraud threatens to undermine this protection.³⁶

In addition to “one and done” complaint resolution and double opt-in protections a third consumer protection offered by wireless carriers is third-party bill blocking. This protection is also of limited benefit to consumers. As the Vermont Attorney General’s survey indicates, consumers are not aware that their wireless phone bills can be used to bill for unrelated charges. They are therefore unlikely to know to request third-party bill blocking prior to being crammed. Absent a requirement that wireless carriers offer third-party bill blocking by default, this reactive countermeasure is unlikely to prevent cramming in any significant way.

VIII. The FTC Should Consider Sensible Regulations to Reduce Cramming Fraud While Protecting Legitimate Commerce

Public Interest Commenters believe that a continued reliance on voluntary industry self-regulation will result in millions of consumers being victims of wireless cramming fraud. It is clear from the experience in wireline cramming that absent government intervention, the actors in the third-party billing ecosystem are unlikely to adequately address the threat of cramming fraud on their own.

³⁴ Kolodinsky, Jane. *Mobile Phone Third-Party Authorization Study*. Center for Rural Studies at the University of Vermont. Pg. 8. May 5, 2013. Online: <http://www.atg.state.vt.us/assets/files/Mobile%20Phone%20Third-Party%20Charge%20Authorization%20Study.pdf>

³⁵ Mobile Marketing Association. *U.S. Consumer Best Practices for Messaging, v. 7.0*. (“MMA Guidelines”). October 16, 2012. Online: <http://www.mmaglobal.com/uploads/Consumer-Best-Practices.pdf>

³⁶ For additional discussion of mobile malware-enable cramming, See Lookout, Inc. *State of Mobile Security 2012*. Figure 7 (“How Premium SMS Works”). September 6, 2012. Online: <https://www.lookout.com/resources/reports/state-of-mobile-security-2012>

In the case of wireline cramming, there was clear evidence that very little legitimate commerce was occurring via the third-party billing platform for “enhanced” services.³⁷ The clear solution was for the LECs to simply cease providing third-party billing for services unaffiliated with the underlying wireline telephone service. This change was correctly implemented by major LECs in 2012.

Wireless third-party billing is markedly different from wireline third-party billing in that there is clearly legitimate commerce occurring over the wireless third-party billing platform. Text-to-donate services as well as ringtone, wallpaper and game downloads are all examples of services authorized by consumers to be billed on their wireless bills. For example, charities raised more than \$50 million in mobile donations as of May 2012, according to the Mobile Giving Association.³⁸ Clearly, any solutions to cramming fraud should protect these and other legitimate uses of the wireless third-party billing platform. However, the mere fact that there are legitimate uses of the wireless third-party billing platform should not dissuade the Commission from considering common-sense regulations that would better protect consumers from cramming.

Given the Commission’s limited authority to regulate the practices of wireless carriers, Public Interest Commenters recommend that the FTC focus its regulatory attention on billing aggregators and third-party service providers. There are a number of regulatory requirements that the Commission should consider to strengthen anti-cramming protections, including:

- Requiring billing aggregators to obtain bonds from third-party service providers prior to beginning billing services to address the threat of content providers creating multiple shell companies;
- Requiring third-party service providers that purport to offer a sweepstakes or other content to disclose in clear and conspicuous terms that entering a wireless phone number into an online form constitutes partial consent to the placement of third-party charges on a subscriber’s wireless phone bill;
- Prohibiting the use of negative options by third-party content providers in obtaining consent from wireless subscribers;

³⁷ Federal Communications Commission, *Cramming Infographic*. June 22, 2011. (“One FCC investigation found only 20 of 17,384 consumers used the third-party service they were billed for. Another found that just 22 of 18,571 consumers charged for dial-around long distance actually used the service. Usage in both cases: roughly 0.1 percent.”) Online: <http://transition.fcc.gov/cgb/cramminggraphic.pdf>

³⁸ Manis, Jim. “Catching Up: Mobile Technology Keeps on Giving,” *Wireless Week Official Show Daily*. May 8, 2012. Pg. 32. Online: http://www.advantagebusinessmedia.com/ims/pdf/WW_CTIAShowDaily1.pdf

- Requiring third-party service providers to re-obtain affirmative consent to continue billing of recurring charges (such as monthly membership fees);
- Requiring third-party service providers and billing aggregators to report consumer complaints to the FTC
- Requiring billing aggregators to post online the d/b/a's, addresses and telephone numbers used by affiliated third-party content providers and a description and pricing of the services offered by these third-party content providers;
- Requiring billing aggregators to conduct regular audits of their third-party vendors to ensure that these providers are legitimate and actually providing a service to end-users;
- Initiating a cross-agency working group with the FCC to determine whether wireless carriers should be required to implement additional anti-cramming protections; and
- Tracking wireless cramming complaints as separate complaint topics in the Consumer Sentinel database.

This should not be considered a comprehensive list of actions that the Commission could consider to address cramming fraud. Indeed, the Commission should actively reach out to stakeholders from industry, government and the public interest community to solicit recommendations for additional actions.

IX. Conclusion

Wireless cramming is clearly a threat to millions of American consumers. There is abundant evidence in the public record that existing efforts to address it – voluntary industry guidelines combined with federal and state enforcement – are insufficient to control the growth of this fraud. The Commission should consider whether it will again rely on promises from stakeholders with vested interests in the third-party billing ecosystem to address this problem as it did for more than a decade in the 1990's and 2000's. Public Interest Commenters strongly believe that only through regulatory intervention will the FTC be able to prevent the continued defrauding of millions of consumers.

Public Interest Commenters greatly appreciate the Commission's attention the issue of wireless cramming fraud and look forward to engaging with FTC staff on this important topic.

Sincerely,

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_____/s/_____

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