

Consumers telephone bills

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The situation that DWI faces is the refusal of the Kettles to pay up delinquent amounts on their phone bill, on the grounds that they did not authorize such charges. The Federal Communications Commission has provided information to consumers on cramming charges that are packed into a customer's phone bill without specific authorization and the facility for consumers to contest such charges. (FCC Report, Jan 1999) Legitimate charges may however be made, if they have been authorized by the consumer. In this case, the facility of 900 numbers provided by DWI has been utilized by the Kettles grandson, without their knowledge. As far as children are concerned, the FCC prohibits promotion of 900 numbers to children, and since the grandson is only 12 years old, this could be construed as unauthorized provision of a non-educational service to children. (www. ftc. gov). Therefore, the Kettles may be able to contest this bill. When a subscriber is billed for calls that he or she did not make, then it is the telephone company (in this case DWI) that will have to absorb the cost of these calls.

However, there are also some aspects working in favor of DWI. The Wireless Telephone Protection Act has been signed into law on April 24, 1998 (Public Law 105-172) and the FCC has highlighted the losses to telephone companies arising out of cellular fraud (FCC Report, March 1999). In this instance, although the payments are being collected by DWI, it is actually due to a third party to which DWI has legal obligations by virtue of its contract with the business entity (the dating hotline). Therefore, this scenario also raises the prospect of further losses to DWI through its liability to the third party provider of services.

However, there are also certain obligations that are placed upon customers.

(a) They can request the facility of “ blocking” 900 calls from their telephone for a reasonable fee, which the Kettles did not do (b) Any discrepancies in the bill are to be notified to the telephone company within 60 days by the consumer, failing which the customer will be deemed to have accepted those bills. Therefore, in this case, since the account is already delinquent without the Kettles having indicated to DWI that they contest certain charges, the legal position will be that they have accepted those charges and will therefore be obliged to pay them. Moreover, the results of the investigation could also be produced in a Court of law and could possibly help DWI to collect its bill. A significant drawback could however be the fact that the FCC prohibits provision of such non-educational services to children, which could be a bar to successful action by DWI.

In order to avoid such occurrences in the future, it is recommended that DWI clearly offer its subscribers the facility of blocking 900 numbers from their telephones, especially if they have children in their homes. Customers must be clearly made to realize that they will be liable for calls made from their telephones if they fail to instruct their children on the use of 900 numbers. DWI also needs to make its customers fully aware about how a 900 number operates and to spell out clearly in the first instance that charges on such calls can be avoided by hanging up before the pre recorded message plays out. They must also reiterate the fact that billing disputes that are not brought to the attention of the Company within the specified duration of 60 days will be deemed to have been accepted by the customer and will not then be subject to further dispute, thus allowing DWI full facility to move

ahead with collection services employed to collect on its debts from customers who have not paid their bills.

References:

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