

You have the right to choose your long distance carrier—and no one can switch you to a new one without your permission.

When you decide to use a certain company, you designate it as your “primary long distance carrier.” But what if one day your phone bill shows that a new long distance carrier is billing you?

What happened to my long distance service?

If you didn't give your permission to switch to a new carrier, then you are a victim of a type of phone fraud known as “slamming.” Slamming is prohibited by federal and state law. The Federal Communications Commission (FCC) has consumer protection rules to help you if you've been slammed.

Always review your phone bill carefully, to make sure you don't pay for charges by an unauthorized carrier. The FCC has designed a process to help victims who have paid the bill already AND victims who notice the problem before they pay. You are much better off if you catch the switch before you pay.

If you haven't paid the bill

If you find you've been slammed before you pay the bill, you do not have to pay for any long distance calls made within 30 days after the illegal switch. **You don't have to pay the slammer OR your carrier of choice.** You will have to pay for calls you made after the 30-day grace period, but you can pay for them at your preferred company's rates—not the slammer's rates.

JEAN'S STORY



Jean gets her phone bill in the mail on July 20. It contains charges for long distance calls made from June 15–July 15. She notices that calls made beginning July 1 were billed by a carrier called Big Bad Slammer. She doesn't recognize that com-

pany, so she calls its contact number on her bill. **Representative:** “Hello, my name is Frank from Big Bad Slammer. May I help you?”

Jean: “There has been a mistake. I did not give permission for Big Bad Slammer to carry my calls. My carrier of choice is the Cheap & Clear company. Your company slammed me! I know my rights under the FCC slamming rules and I don't have to pay you for the calls from July 1 to July 15.”

Representative: “Ma'am, you made those calls. You will have to pay for them.”

Jean: “You're wrong! I am not liable for these calls. Good-bye.”

Jean then calls her authorized carrier.

Representative: “Hello, my name is George. Thank you for calling Cheap & Clear. What may I help you with today?”

Jean: “I'm calling to let you know that I was slammed by Big Bad Slammer. Their rates are three times as high as yours! I'll pay you for the calls I made from June 15 until July 1, when they took over my account. I want to be reinstated with Cheap & Clear and I want any charges for switching companies removed from my bill.”

Representative: “I will switch you back immediately. Your total for the calls from June 15 to June 30 is \$15. You will not be charged for the switch. I apologize for any trouble you've been caused.”

Jean: “It's not your fault. I blame Big Bad Slammer.”

If you've paid the bill

If you've paid your phone bill already when you notice you've been slammed, the slammer has to pay your authorized carrier one-and-one-half times (150% of) the payment it got from you. Your authorized carrier can keep two-thirds of that amount, and you will receive one-third as a refund. The government requires the slammer to pay back the money and then some, to take the profit out of slamming.

SAMSON'S STORY

Samson was busy for the last two months and didn't look at his phone bills closely. He just wrote a check for the amount due. This month, he noticed that all the long distance charges were from a company he didn't recognize, Big Bad Slammer.

Samson had chosen Cheap & Clear to carry his calls, so he wondered what was going on. He reviewed his bills for the previous two months and found charges by Big Bad Slammer. Those charges were much higher than Cheap & Clear's rates.

Samson called his authorized carrier, Cheap & Clear, to see if it could help.

Representative: “Hello, this is Joanne at Cheap & Clear. How may I help you?”

Samson: “I made a mistake. I paid another company \$100 for my long distance calls. I think I got slammed a couple months ago.”

Representative: “Our records show that you switched to Big Bad Slammer three months ago.”

Samson: “The transfer took place without my authority.



Can you do anything to help?”

Representative: “Yes. The law requires that Big Bad Slammer refund \$100 to us, plus another \$50 penalty. When we get the money, we will give you a \$50 refund.”

How did I get slammed?

Sometimes people who get slammed don't recall having done anything to cause it. But many victims fall for two common tricks:

- A telemarketer calls and asks if you are interested in receiving material on a new long distance service. Even if you decline, they might record your voice saying “Yes” to an unrelated question and use it as proof that you approved the new carrier.

- If you receive a check in the mail from another long distance carrier, read it carefully before you deposit it. When you sign and deposit the check in your account, you may be agreeing to switch long distance carriers.

How can I avoid being slammed?

You can avoid being slammed by carefully reading anything you sign—front, back and fine print. Don't give people making pitches or telemarketers your phone number or any personal information such as your address, Social Security number or bank or credit card account numbers.

Always review your phone bill thoroughly as soon as possible.

If you are worried about being slammed, consider placing a freeze on your long distance service with your local phone company. This means that your

long distance carrier can't be switched until you notify your local phone company in writing. This should protect you, but it will make it difficult to quickly switch to another company offering lower rates.

To legally switch your long distance service, a carrier must do at least one of the following things to verify that you've given permission:

- Obtain from you a completed written or electronic "letter of authorization" form—also called a "letter of agency" or LOA—that includes your billing name and address, the telephone number you want to switch, a statement that you want to switch to the designated company and a disclosure of any applicable switching fee.
- Provide a toll-free number for you to call to confirm your desire to switch companies.
- Verify your wish to switch through an independent third party.

Law protects you from tricks

In the past, many slammers used deceptive contest forms to trick people into signing up for a new long distance provider. Often, customers did not realize that they were accepting a new long distance service. The FCC now requires that any promotional materials such as contest entry forms cannot be on the same piece of paper with the required letter of authorization.

Non-English-speaking customers have been targeted by slammers who try to confuse them with an attractive invitation in their preferred language attached to a letter of authorization in English. Now the law requires that long distance carrier authorization forms that contain any non-English language must be accompanied by a letter of authorization in the same language.

Long distance companies still may use checks as incentives to get you to switch. However, checks that incorporate a letter of authorization must have it near the signature line on the back of the check. On the face of the check, there must be a notice that signing the check will authorize a change of carriers.

How to complain about slamming

In most cases, your authorized carrier will be able to handle your slamming complaint and get you a refund if necessary. If you are not satisfied with your carrier's response, you can complain to the appropriate state or federal regulator.

Depending on where you live, you might file a complaint about a slammer with your state's utility regulation agency or with the FCC. You can find out if your state accepts complaints by visiting the FCC's Consumer Information Bureau web site (www.fcc.gov/cib) or by calling the FCC at (888) CALL-FCC (225-5322); TTY: (888) 835-5322.

You can also report slamming to your state attorney general's office. Online, you can find state-by-state contact information on the National Association of Attorneys General web site (www.naag.org).

When filing a slamming complaint, include the following information:

- Your name and address.
- Your telephone number.
- The name of the carrier that slammed you.
- The name of your authorized carrier.
- A description of what happened.
- Copies of phone bills containing the charges which you dispute.
- Whether you have paid any of the disputed charges.

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Slammed!

**What to do when your long
distance service is switched
without your permission**

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