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July 14, 2006

Michael B. Day

Jessica Hecht
Consumer Safety Information Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

**Re: Study Plan on Language Access Issues for California
Telecommunications Consumers**

Dear Ms. Hecht:

On behalf of its members, CTIA-The Wireless Association® (“CTIA”) hereby submits the following comments on the Study Plan on Language Access Issues for California Telecommunications Consumers (“Study Plan”):

A. General Comments

As an initial matter, the wireless industry supports the general goals set out in the Study Plan. It is imperative for the Commission, as well as all interested stakeholders, to better understand what, if any, unique challenges are faced by limited proficiency in English (LEP) consumers in obtaining telecommunications services in the State as a result of language barriers. Once those challenges have been identified, strategies for communicating relevant information to those consumers, as well as recommendations for possible appropriate programs to facilitate that communication can be developed.¹ This understanding is critical to the ultimate success of this phase of the proceeding and the development of sound public policy for California consumers and carriers.

B. Research Questions and Sources

As part of its effort to “identify language access needs, gaps in service, and strategies for addressing these needs and gaps” the Study Plan poses a number of research questions. Those questions fall into two basic groups: (1) the Commission’s own efforts/plans to address the

¹ The Study Plan refers to “rules or programs (if appropriate) to *improve service* to LEP consumers...” See Study Plan at pg. 1 (emphasis added). In the context of this phase of the proceeding, the use of the phrase “improve service” is taken as a reference to potential actions that would address any particular challenges faced by LEP consumers and not to the technical aspects of providing service such as network buildouts, etc.

needs of LEP consumers, and (2) telecommunications carriers' in language marketing efforts. Although each of these areas will be discussed below, the wireless industry would like to suggest that the question of "[w]hat, if any challenges are faced by those with limited English Proficiency relating to communications services due to language barriers?" (Study Plan at pg. 5) is really the central question for everything that follows. The other inquiries will lack sufficient context until that question is adequately addressed. CTIA offers the following brief remarks on the efforts of both the Commission and the carriers.

1. Commission Efforts/Plans

The wireless industry supports the Commission's renewed focus on addressing the needs of LEP consumers in this phase of the proceeding as well as in the development of the recently launched consumer education initiative. The Consumer Education Initiative brochures and information that will be distributed with the assistance of the CBOs will provide all consumers, including LEP consumers, with important information, including methods for contacting the Commission regarding consumer concerns. Further, the Commission's efforts to improve its CAB staffing, including the hiring of bilingual CAB representatives, will allow LEP consumers to communicate directly with the Commission. The results of the Consumer Education Initiative along with the complaints and concerns the Commission will now be able to receive directly from LEP consumers will provide valuable inputs to the LEP study.

It is also appropriate for the Commission to dedicate additional resources to develop a better understanding of the challenges faced by LEP consumers. The wireless industry notes that several aspects of the Commission's efforts to improve its service to consumers will be developed in other parallel phases of the Consumer Protection Initiative (CPI) implementation process, including addressing call center resources, consumer complaint data management, and enhanced communication between the staff, industry and consumer groups. The impact of these efforts will need to be factored into any effort to determine if the Commission's programs are designed to adequately address the unique needs of the LEP consumers.

Similarly, the Commission will need to coordinate its ongoing examination of its enforcement capabilities and practices with the effort to examine the needs of LEP consumers. As directed by D.06-03-013, the Commission is at the early stages of an effort to review and improve the procedures for initiating and pursuing enforcement actions. However, the questions raised in the Study Plan on the subject of enforcement seem to focus on past enforcement actions and existing Commission rules and enforcement practices.² The wireless industry recommends

² On page 5 of the Study Plan the following two questions address the Commissions past and present enforcement practices:

"What, if any, past Commission enforcement actions address the special challenges of LEP consumers, and what was the reason for and result of these enforcement actions?"

"Are existing Commission rules and enforcement of those rules adequate to address any special challenges faced by LEG telecommunications consumers?"

that any consideration of enforcement issues related to LEP consumer-specific concerns should be coordinated with the ongoing efforts to review Commission procedures and practices regarding complaints and enforcement in general.

2. Carrier In-Language Marketing

The Study Plan also raises a number of questions focused on understanding how the various carriers in the telecommunications industries strive to meet the needs of LEP consumers. The wireless industry is committed to continue to cooperate with efforts to gather information on what in-language services are currently provided.

All major wireless carriers in California market directly to the Spanish speaking community, by far the majority of the non-English speaking segment of the California population, and have significant Spanish in-language capabilities to address their particular needs. Examples of this can be found in all elements of the customer experience – distribution (e.g. bilingual merchandising), support (e.g., Spanish customer agreements, confirmation letters and bills), and customer service (Spanish IVR option, website, bilingual customer service representatives). The competitive marketplace allows carriers to take slightly different approaches in meeting the needs of their Spanish speaking consumers, which, in turn, allows those consumers to choose the service provider whose offerings best suit them.

Moreover, the wireless industry is continually reassessing whether it can serve particular additional market segments, and how best to do that. Such efforts require substantial resources because there are numerous operational, demographic, financial and cultural issues which need to be addressed before a direct marketing program can be put in place. For example, as discussed at the June 26 Workshop, one wireless carrier recently conducted a marketing trial in San Francisco focused on the Chinese community. The information garnered from this trial will apparently be used to assess the viability of a broader direct marketing effort for that population group.

At the Workshop the actions of certain dealers³ were identified as examples of the problems faced by LEP consumers. As an initial matter, the wireless industry reiterates that allegations of fraud by dealers is of great concern. The vast majority of dealers operate responsibly and provide a vital link to their community. “Bad actors” have no place in the wireless industry or in the business community in general. When carriers are made aware of such allegations, they have – and will continue to – conduct investigations and take appropriate

³ The Commission and the parties need to be mindful of the distinction between wireless “dealers” and “resellers”. Resellers buy minutes of service from a network based wireless carrier to provide service to the customer. At that point, the “reseller” is the wireless carrier providing service and is responsible for customer service issues. . A wireless dealer is an independent retail outlet where a customer can sign up for wireless service with a wireless carrier, but the dealer/retailer is not a wireless utility itself.

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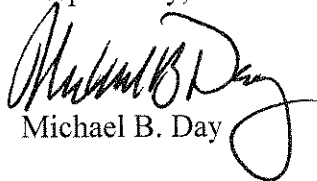
action. In fact, each of the major wireless carriers has had occasion to terminate certain dealer relationships as a result of their own efforts in this regard.

With that in mind, CTIA notes that an enhanced working relationship among the carriers, the Commission and the CBOs will play a critical role in combating inappropriate actions by dealers. As acknowledged by some of the speakers at the Workshop, LEP consumers tend to contact CBOs (and not necessarily the Commission or the carriers) when they experience a problem with a dealer. Communicating that information promptly to the carrier, provides the carrier with an additional source of information to take appropriate steps to address the situation. To that end, CTIA strongly encourages the continued development of a working relationship between all the stakeholders so that consumer feedback can be addressed efficiently and appropriately. Such efforts are clearly a part of the overall objective of the Commission's CPI.

Finally, CTIA notes that the dealer issues identified at the Workshop seem to be more in the nature of allegations of fraud and/or unfair practices, as opposed to pure language barrier issues. Although that in no way diminishes the importance of carefully studying language access issues, it is important to emphasize that fraud is fraud. Such behavior is unacceptable regardless of the industry and regardless of whether the consumers speak English or not. To the extent the Study Plan can help identify unique issues created by language barriers as opposed to issues created by "bad actors", this will help provide the appropriate focus for the language access efforts.

Thank you for your consideration of these comments. If you have any questions please contact me at the number listed above.

Respectfully,



Michael B. Day

Counsel for CTIA-The Wireless
Association®

cc: All parties on the Service List
established at the In Language Workshop