

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
Protecting Consumers from Unauthorized Carrier	)	CG Docket No. 17-169
Changes and Related Unauthorized Charges	)	
	)	
Truth-in-Billing and Billing Format	)	CC Docket No. 98-170

**Notice of Proposed Rulemaking**

**National Consumer Law Center on behalf of its low-income clients**  
**MediaJustice**  
**Public Knowledge**  
**United Church of Christ Media Justice Ministry**

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Submitted by:

Olivia Wein  
Senior Counsel

Patrick Crotty  
Senior Counsel

**National Consumer Law Center**  
1001 Connecticut Ave, NW, Suite 510  
Washington, DC 20036  
[owein@nclc.org](mailto:owein@nclc.org)  
[pcrotty@nclc.org](mailto:pcrotty@nclc.org)

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## Truth-in-Billing and Billing Format Notice of Proposed Rulemaking

### I. Introduction and Summary

These **Comments**, written by the **National Consumer Law Center** (NCLC) on behalf of its low-income clients and joined by MediaJustice, Public Knowledge, and United Church of Christ Media Justice Ministry are submitted in response to the Notice of Proposed Rulemaking (NPRM) released by the Federal Communication Commission (Commission or FCC) on July 25, 2025,<sup>1</sup> and published in the Federal Register on August 22, 2025.<sup>2</sup> Slamming is the unauthorized switching of customers from a service they chose to a service they did not choose. Cramming is the fraudulent practice of placing unauthorized charges on a subscriber's bill. Subscribers must be protected from both practices in a functioning, competitive marketplace. We support the Commission's efforts to modernize the important slamming and Truth-in-Billing rules.<sup>3</sup> However, the Commission's proposed effort to simplify and combine the two rules will leave subscribers vulnerable to both slamming and cramming abuses unless modified as follows:

- **Broaden the coverage of the revised slamming and cramming rules to protect subscribers in the modern communications marketplace.** The need for slamming and cramming protections increases with competition in the marketplace because providers must work harder to acquire new subscribers and have a greater incentive to use unfair and deceptive tactics to take subscribers from competitors and generate new revenue from existing customers. The telecommunications landscape is dynamic and subscribers' choices about the communication services of the future are extremely hard to predict. The current slamming and cramming rules are too narrowly tied to certain technologies and risk becoming obsolete.
- **Strengthen verification of a switch in telecommunications service to protect against fraudulently obtained or manufactured consent.** The proposed verification of a switch

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<sup>1</sup> FCC, Notice of Proposed Rulemaking, In re Protecting Consumers From Unauthorized Carrier Changes and Related Unauthorized Charges: Truth-in-Billing and Billing Format, CG Docket No. 17-169, CC Docket No. 98-170 (adopted July 24, 2025; released July 25, 2025). (NPRM) <https://www.fcc.gov/document/fcc-re-evaluate-its-slamming-and-truth-billing-rules-0>.

<sup>2</sup> Protecting Consumers From Unauthorized Carrier Changes and Related Unauthorized Charges: Truth-in-Billing and Billing Format, 90 Fed. Reg. 41016 (Aug. 22, 2025) <https://www.federalregister.gov/documents/2025/08/22/2025-16089/protecting-consumers-from-unauthorized-carrier-changes-and-related-unauthorized-charges>.

<sup>3</sup> NPRM at ¶ 2.

must be revised to be clear that the carriers must obtain prior express consent of the subscriber to switch service and that they cannot engage in any material misrepresentation or unfair or deceptive acts and practices to obtain consent from the subscriber.

- **Retain the role of the Consumer & Governmental Affairs Bureau (CGB) in the subscriber slamming complaint resolution process.** Removal of the CGB from the complaint resolution role will leave subscribers to navigate the FCC complaint process on their own and it will likely be disorienting and discouraging for those who are new to the Commission's informal complaint process. The Commission should leave the existing §64.1150(b) intact.
- **Strengthen the proposed cramming rules.** Specifically, the Commission should: 1) include wireless service in the cramming rules, 2) allow states to have an active role in protecting subscribers by allowing states to provide stronger protections from unauthorized charges, 3) maintain protections for subscribers who rely on paper bills and customer service calls, and 4) use the FTC's definition of "clear and conspicuous" notice.

## **II. The Revised slamming and cramming rules need to be broader in coverage to protect subscribers in the modern communications marketplace.**

### **A. The Commission should have clear, strong rules regarding slamming and cramming.**

As a threshold matter, in both the slamming and cramming discussions in the NPRM, the Commission asks whether their slamming and cramming rules remain necessary.<sup>4</sup> The need for slamming and cramming protections increases as the marketplace becomes more competitive and companies have a greater temptation to obtain an unfair advantage through unauthorized charges and service switches. As noted in the NPRM, the Commission adopted its current rules to protect subscribers from slamming, the unauthorized switching of subscribers from their chosen provider to one they did not chose, when there was a competitive marketplace for long distance service.<sup>5</sup> The Commission's cramming rules in the Commission's First Truth-in-Billing Order were adopted to help address subscriber confusion about their billing charges and facilitate subscriber's ability to spot

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<sup>4</sup> NPRM at ¶¶ 12, 13.

<sup>5</sup> NPRM at ¶ 4. § 101(a) of the Telecommunications Act of 1996 prohibits a telecommunication carrier from submitting or executing "a change in subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with such verification procedures as the Commission shall prescribe." 47 U.S.C. § 258(a). This competitive marketplace arose from the Commission's equal access requirement which made it easier for consumers to use the long-distance service of their choice.

unauthorized charges and slamming on their bills.<sup>6</sup> The Commission should not abandon having strong slamming and cramming rules. Technology has also facilitated new ways to trick consumers. For example, AI cloning tools enable impersonation scams.<sup>7</sup> As the communication marketplace evolves, it is foreseeable that there will be conditions that incentivize companies to use unscrupulous practices to acquire customers and add unauthorized charges to bills.

The communications landscape is dynamic and the popular subscriber choices for the communication services of the future are extremely hard to predict. The current slamming and cramming rules are too narrowly defined. The slamming rules are currently limited to unauthorized switching of wireline local, local toll or long distance service.<sup>8</sup> Yet, there have been instances where subscriber complaints of VoIP and CMRS slamming were not actionable under the current slamming rules. The unauthorized switch to VoIP service was not actionable because the scope of the rule is limited to telecommunications carriers and the unauthorized switch to CMRS providers were excluded from the slamming verification requirements as long as CMRS is not required to provide equal access to common carriers for the provision of telephone toll services.<sup>9</sup> While not technically covered by the slamming rule, those subscribers experiencing the unauthorized switching of communications service were still harmed. Unauthorized switching causes subscriber confusion and requires time and attention from busy daily life to sort out being returned to the service they selected and disputing the bill from a company they didn't authorize to provide service.

Additionally, as Public Knowledge has stated in its 2022 Petition for Declaratory Ruling: “[To] to an ordinary consumer, there is no discernible difference between a call that uses interconnected VoIP, traditional copper wire landline, or a mobile wireless network. From the consumer’s perspective, regardless of what voice service they use, they are simply making a phone call, connecting to and talking with another party in real-time on their phone. Yet, despite the lack of

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<sup>6</sup> NPRM at ¶ 6.

<sup>7</sup> See e.g., Consumer Reports press release, “More than 75,000 consumers urge FTC to crack down on AI voice cloning fraud” (Aug. 13, 2025), available at [https://advocacy.consumerreports.org/press\\_release/more-than-75000-consumers-urge-ftc-to-crack-down-on-ai-voice-cloning-fraud/](https://advocacy.consumerreports.org/press_release/more-than-75000-consumers-urge-ftc-to-crack-down-on-ai-voice-cloning-fraud/); Ben Winters, Consumer Federation of America, “Scamplified: How Unregulated AI Continues to Help Facilitate the Rise in Scams” (May 20, 2025), available at <https://consumerfed.org/reports/scamplified/>.

<sup>8</sup> NPRM at ¶¶ 3-5.

<sup>9</sup> NPRM at fn 14.

any meaningful difference between interconnected VoIP and traditional telephone services, the Commission continues to treat interconnected VoIP services differently.”<sup>10</sup>

The Universal Service High Cost and Low-Income program service providers should be covered by the revised slamming and cramming rules, even when they provide broadband service.<sup>11</sup> In order to receive Universal Service Funds (USF), carriers must be an Eligible Telecommunication Provider.<sup>12</sup> Thus carriers providing broadband services receiving USF support should also be covered by the revised slamming and cramming rules. Low-income consumers participating in Lifeline<sup>13</sup> and any successor or complementary programs<sup>14</sup> (referred to in these comments as “Lifeline”) should also be protected with clear and strong slamming and cramming rules. The unauthorized switching of a low-income consumer’s selected voice/broadband/bundled service harms Lifeline consumers by denying them the product and service of their choosing, adds program cost for the Lifeline administrator (helping the customer remedy the unauthorized switch, and potential Lifeline oversight and complaint reporting costs). Lifeline consumers are low-income by definition and have little to no ability to afford unauthorized charges on their bills. These consumers should be protected from cramming, regardless of the underlying communications technology. Any company participating in the Commission’s Lifeline program must be required to comply with these updated slamming and cramming rules stemming from this proceeding, even if they are providing a low-income broadband-only subsidy. In addition to the regular application of the revised rules on the service provider, its compliance with the slamming and cramming rules should be an explicit condition of participating in the Lifeline program.

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<sup>10</sup> Public Knowledge, Communications Workers of America, Center for Rural Strategies, National Association of State Utility Consumers Advocates, Next Century Cities, The Public Utility Law Project of New York, and the Utility Reform Network, *Petition for Declaratory Ruling That Facilities-Based Interconnected VoIP are Title II Service* (March 2, 2022), <https://publicknowledge.org/policy/voip-declaratory-ruling-petition/>

<sup>11</sup> 47 C.F.R. § 54.308 Broadband public interest obligation for recipients of high-cost support.

<sup>12</sup> 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201, *et seq.* The definition of “telecommunications carrier” in the USF program is “any provider of telecommunications services . . . This definition includes cellular mobile radio service (CMRS) providers, interexchange carriers (IXCs) and, to the extent they are acting like telecommunications carriers, companies that provide both telecommunications and information services. . . .” (47 C.F.R. § 54.5).

<sup>13</sup> 47 C.F.R. § 54.400, *et seq.* (Subpart E).

<sup>14</sup> *See e.g.*, the Congressionally appropriated low-income broadband subsidy programs, the Emergency Broadband Benefit Program rules at 47 C.F.R. § 54.1600, *et seq.* (Subpart P) and the Affordable Connectivity Program rules at 47 C.F.R. § 54.1800, *et seq.* (Subpart R).

**B. The Commission has authority to extend the coverage of the slamming and cramming rules to cover voice, wireless and broadband services for USF customers.**

The cabining of slamming and cramming protections based on technology is very hard to understand for everyday subscribers. The Commission has authority to protect wireline and wireless subscribers, including customers served by Eligible Telecommunications Carriers (ETCs)<sup>15</sup> participating in the Commission's Universal Service Program, under its § 201(b) authority, which has been the basis of the Commission's slamming and cramming rules in the past.<sup>16</sup> § 201(b) covers common carriers engaged in interstate or foreign communication by wire or radio ("telecommunications carriers") and, among other things, prohibits "unjust and unreasonable" charges and practices.<sup>17</sup> In addition to its authority under § 201(b), the Commission also has general authority under §§ 151<sup>18</sup> and 154(i) to protect subscribers from slamming and cramming.<sup>19</sup> A healthy, competitive marketplace requires strong subscriber protections from unauthorized transfers and unauthorized billing charges. Subscribers expect to receive service from the provider they chose and to only pay what they agreed to pay, and communications providers expect that their subscribers will not be lured away by misrepresentations and trickery. Weak or absent slamming and cramming rules will incentivize bad actors, harm subscribers and make the marketplace less competitive.

**C. The verification of a switch in telecommunications service should be strengthened to protect against fraudulently obtained and manufactured consent**

The NPRM proposes to streamline and update the rule regarding verification of an authorized service switch.<sup>20</sup> The existing slamming rules provides four ways a provider can demonstrate a switch was authorized: (1) a Letter of Agency; (2) an electronic authorization; (3) any State verification procedures for intrastate switches, and (4) third-party verification (e.g., a recorded call between the subscriber and an independent third-party verifier).<sup>21</sup> We propose clarifying and strengthening the proposed slamming verification language to include the words "prior express"

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<sup>15</sup> Should a successor Lifeline program without an ETC requirement or a new low-income broadband benefit program like the Affordable Connectivity Program be established, the requirement to comply with the slamming and cramming rules could be made an explicit condition of participation in the program.

<sup>16</sup> NPRM at ¶ 31.

<sup>17</sup> 47 U.S.C. § 201(b).

<sup>18</sup> 47 U.S.C. § 151 (Setting forth purpose and authority of the Commission).

<sup>19</sup> 47 U.S.C. § 154(i) ("The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this chapter, as may be necessary in the execution of its functions.").

<sup>20</sup> NPRM ¶¶ 10, 11, & 14.

<sup>21</sup> 47 C.F.R. § 64.1120(c).

before consent to describe the type of consent the carrier verification procedures are reasonably designed to obtain. This will avoid providers claiming that they have implied consent to a service switch or charge because a consumer evidenced their agreement by paying the new charges. We also add “or unfair or deceptive acts and practices” to describe what is prohibited in the efforts to obtain subscriber’s consent to switch service. Unfair and deceptive acts and practices address inadequate disclosures that are designed to avoid subscriber attention but which do not qualify as material misrepresentations. The universe of practices that can trick a subscriber into mistakenly switching service is larger than material misrepresentations. Expanding the rules to include all unfair and deceptive acts and practices will make it more difficult for bad actors to nominally obey the letter of the rule while thwarting the spirit of the rule. Additionally, the terms “prior express consent” and “unfair and deceptive acts and practices” have an established meaning from extensive case law regarding the Telephone Consumer Protection Act<sup>22</sup> and the Federal Trade Commission Act,<sup>23</sup> respectively. Established jurisprudence interpreting these terms means that communications providers will not have to guess at how the standards set forth in the new rule will be interpreted. Our proposed edits to the revised §64.1120 is as follows with our edits underlined.

**§ 64.1120 Verification of orders for telecommunications service.**

No telecommunications carrier shall submit or execute a change on the behalf of a subscriber in the subscriber’s selection of a provider of telecommunications service **except in accordance with carrier procedures reasonably designed to obtain verification of the** prior express consent of the subscriber. No telecommunications carrier may engage in any material misrepresentation to obtain a subscriber’s express consent to change a provider of telecommunications service. In the event of a dispute, the provider must prove with clear and convincing evidence **that it followed its procedures to verify** that the **switch was** authorized and that the provider did not engage in any material misrepresentation or unfair or deceptive acts and practices to obtain such express consent. Nothing in this section shall preclude any state commission from enforcing these procedures with respect to intrastate services.

Additionally, the Commission should provide certainty for providers by conferring a rebuttable presumption of compliance with verification if the provider used one of the four types of verification methods listed in the current §64.1120(c).

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<sup>22</sup> 47 U.S.C. § 227.

<sup>23</sup> 15 U.S.C. § 45.



**D. Consumer & Governmental Affairs Bureau should remain in the slamming subscriber complaint resolution procedure.**

The proposed rule modification for § 64.1150(b) would have the carrier directing subscribers to the state commission first, or if the state commission has not opted to administer the slamming rules, to the Commission.<sup>24</sup> However, the NPRM proposes to remove the Consumer & Governmental Affairs Bureau (CGB) from the complaint procedure.<sup>25</sup> Subscribers with a slamming and cramming complaint, will likely look for help at the CGB because they will logically go to a part of the Commission with “consumer” in the title and are not likely to have a working understanding of the Commission’s complaint process. Being directed to the FCC will be disorienting and intimidating for subscribers if there is no explicit role for the CGB to handle the slamming complaint.

We recommend that the Commission leave the existing § 64.1150(b) language intact to ensure subscribers experiencing slamming have trained staff at the CGB ready to help with the resolution of their complaint. We also note that it appears most states have not submitted an initial notification of an intent to administer the slamming rules per § 64.1110,<sup>26</sup> so subscribers in the majority of states would lose the CGB’s assistance with slamming complaints under the proposed rule. Our proposed edits to the revised § 64.1150 is as follows with our edits underlined.

**§ 64.1150 Procedures for resolution of unauthorized changes in preferred carrier.**

(b) ***Referral of complaint.*** Any carrier, executing, unauthorized ~~authorized~~, or allegedly unauthorized carrier change, that is informed by a subscriber or an executing carrier of an unauthorized carrier change shall direct that subscriber either to the state commission or, where the state commission has not opted to administer these rules, to the Federal Communications ~~Commission~~ Commission's Consumer & Governmental Affairs Bureau, for resolution of the complaint. Carriers shall also inform the subscriber that he or she may contact and seek resolution from the alleged unauthorized carrier and, in addition, may contact the authorized carrier.

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<sup>24</sup> NPRM ¶ 18.

<sup>25</sup> NPRM ¶ 18.

<sup>26</sup> A cursory search in CC Docket No. 94-129 for state notifications revealed 15 notifications and no withdrawal of notification (Nebraska 9/7/2000, Iowa 9/8/2000, Utah 9/12/2000, Alabama 9/5/2000, Wyoming 9/29/2000, Maine 9/27/2000, Florida 10/5/2000, South Dakota 10/11/2000, Indiana 11/21/2000, Mississippi 11/20/2000, DC 11/28/2000, Colorado 11/8/2000, Minnesota 12/6/2000, PR 12/12/2000 and Delaware 1/30/2001).

### III. Subscribers still need strong cramming rules to help ensure that bills are accurate and understandable.

#### A. Cramming protections should also cover wireless customers.

The risk to subscribers from cramming is that unauthorized charges or unauthorized switches go undetected and it makes it harder for timely correction. It's possible that as more billing is handled digitally, subscribers are less able to easily notice unusual charges. If it takes several clicks to see a bill in the paper bill format, subscribers may be less inclined to carefully check their bills at time of payment. Smaller screens can only show so much information. The risk of cramming is going up, not away.

Wireless subscribers also deserve clear rules and protections from unauthorized charges and should be covered by this rule as well. We propose the following new language for § 64.1190 (a) that will cover wireline and wireless telecommunications carriers:

**§ 64.1190 Truth-in-billing; billing for unauthorized charges**  
**Preferred carrier freezes.**

(a) These rules shall apply to all telecommunications common carriers and to all bills containing charges for intrastate or interstate services;  
~~except as follows:~~

~~Sections 64.1190(e)(2) and (3) shall not apply to providers of Commercial Mobile Radio Service as defined in § 20.9 of this chapter, or to other providers of mobile service as defined in § 20.7 of this chapter, unless the Commission determines otherwise in a further rulemaking.~~

#### B. States should be able to provide stronger protections.

The NPRM's preemption language<sup>27</sup> for the cramming rules should allow states to go further to protect subscribers from unauthorized charges on their communication bills. Unauthorized charges can make essential communication service unaffordable, particularly for households that are already struggling to pay their energy, food and medical bills. States can help protect subscribers from the abusive practice of padding the bills with unauthorized charges and help deter bad actors. Below is the suggested edit to strengthen the cramming preemption language in the NPRM:

**§ 64.1190 Truth-in-billing; billing for unauthorized charges**  
**Preferred carrier freezes.**

(b) *Preemptive effect of rules.* The requirements in this subpart are not intended to preempt the adoption or enforcement of more restrictive  
~~consistent~~ truth-in-billing requirements by the states.

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<sup>27</sup> NPRM Appx A.

### **C. The cramming rules should protect subscribers who use paper bills and customer service numbers.**

The NPRM proposes revising the cramming rules to be less prescriptive regarding the ways subscribers can contact the carrier with billing questions.<sup>28</sup> However, the proposed revision is less protective for subscribers who still use paper bills and customer service numbers. The NPRM asks if it is still necessary to include toll-free numbers and a physical address on written bills.<sup>29</sup> A recent article on accessing disaster relief notes that millions of Americans do not use the internet including significant proportions of low-income consumers and older Americans. Specifically, 27% of households with incomes under \$25,000 and 23% of older Americans do not report using the internet.<sup>30</sup> These households likely rely on paper bills and toll-free customer service lines, and they are not the only ones. Subscribers may prefer paper bills because they are easier to read and catch billing mistakes. Additionally, some consumers who have less experience navigating the internet could end up being subject to imposter websites or website spoofing. This is of particular concern as consumers are becoming more vulnerable to AI-generated invoices. In fact, Deloitte Center for Financial Services predicts that “gen AI could enable fraud losses to reach US\$40 billion in the United States by 2027, from US\$12.3 billion in 2023, a compound annual growth rate of 32%.”<sup>31</sup> There could also be accessibility implications for subscribers who rely on braille. It is premature to fully remove the requirement for toll-free numbers and an option for the subscriber to have clear information on how to contest a bill if the subscriber opts for a paper bill.

We propose including the existing language from §64.2401 in the new section for cramming as it appears below. We also propose adding the word “paper” in the sentence regarding the toll-free number requirement to limit this to requirement to written bills. The existing rule already provides flexibility to not require toll-free numbers and provide a physical address where the customers have electronic billing. Without the inclusion of the more explicit billing requirements, consumer protection will depend on the development of case law to define “clear and conspicuous disclosure”

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<sup>28</sup> NPRM at ¶ 24.

<sup>29</sup> *Id.*

<sup>30</sup> Digital Beat, Benton Institute for Broadband & Society, “FEMA Says the Check is in the E-Mail” (September 17, 2025) available at <https://www.benton.org/blog/fema-says-check-e-mail>.

<sup>31</sup> Deloitte Center for Financial Services, “Generative AI is Expected to Magnify the Risk of Deepfakes and Other Fraud in Banking,” (May 29, 2024) available at <https://www.deloitte.com/us/en/insights/industry/financial-services/deepfake-banking-fraud-risk-on-the-rise.html>.

of information that the subscriber needs to ask about their bills. Our proposed edits to the revised § 64.1190 is as follows with our edits underlined.

**§ 64.1190 Truth-in-billing; billing for unauthorized charges**  
**~~Preferred carrier freezes.~~**

**(c) *Telephone Billing Requirements* –**

(1) Telephone bills shall be clearly organized and must contain clear and conspicuous disclosure of any information that the subscriber may need to make inquiries about, or contest, charges on the bill. Common carriers must prominently display on each paper bill a toll-free number or numbers by which subscribers may inquire or dispute any charges on the bill. A carrier may list a toll-free number for a billing agent, clearinghouse, or other third party, provided such party possesses sufficient information to answer questions concerning the subscriber's account and is fully authorized to resolve the consumer's complaints on the carrier's behalf. Where the subscriber does not receive a paper copy of his or her telephone bill, but instead accesses that bill only by e-mail or internet, the carrier may comply with this requirement by providing on the bill an e-mail or website address. Each carrier must make a business address available upon request from a consumer.

**D. The cramming rules should use the FTC's definition of clear and conspicuous**

The NPRM asks if the Commission should adopt the FTC's definition of clear and conspicuous notice.<sup>32</sup> The FTC's definition has been broadly applied in a variety of contexts, e.g., notices in paper, on websites, in apps, etc., without causing significant problems for consumers or commerce, and it is supported by an established body of interpretive case law. Additionally, the FTC's standard is appropriately focused and looks at whether the notice is "reasonably understandable and designed to call attention to the nature and significance of the information in the notice."<sup>33</sup> The Commission should adopt the FTC's definition as it provides industry with consistency and certainty and provides subscribers with meaningful protections.

**IV. Conclusion**

A competitive marketplace needs clear and strong rules to protect subscribers from unauthorized switches in service and unauthorized charges. The Commission's existing slamming and cramming rules are too limited in scope of communication services covered and limited to service options and features that are no longer mainstream. Our recommendations provide a balance

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<sup>32</sup> NPRM ¶27.

<sup>33</sup> 16 CFR §318.2.

that updates the slamming and cramming rules in a manner that protects subscribers in the modern communications marketplace.

Respectfully submitted, the 22nd day of September, 2025, by:

/s/ Olivia Wein

Olivia Wein

Patrick Crotty

**National Consumer Law Center**

1001 Connecticut Ave, NW, Suite 510

Washington, DC 20036

[owein@nclc.org](mailto:owein@nclc.org)

[pcrotty@nclc.org](mailto:pcrotty@nclc.org)