

111TH CONGRESS  
2D SESSION

# S. 3872

To improve billing disclosures to cellular telephone consumers.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Mr. UDALL of New Mexico introduced the following bill; which was read twice  
and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To improve billing disclosures to cellular telephone  
consumers.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Cell Phone Bill Shock  
5       Act of 2010”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) A recent survey conducted by the Federal  
9       Communications Commission found that 1 out of 6  
10       consumers who subscribe to commercial mobile serv-  
11       ice has experienced “bill shock”, which is the sudden

1 increase in the monthly bill of a subscriber even  
2 though the subscriber has not made changes to their  
3 monthly service plan.

4 (2) Most consumers who experience bill shock  
5 do not receive notification from their provider of  
6 commercial mobile service when the consumer is  
7 about to exceed the monthly limit of voice minutes,  
8 text message, or data megabytes.

9 (3) Most consumers who experience bill shock  
10 do not receive notification from their provider of  
11 commercial mobile service that their bill has sud-  
12 denly increased.

13 (4) Prior to the enactment of this Act, a pro-  
14 vider of commercial mobile service was under no ob-  
15 ligation to notify a consumer of such services of a  
16 pending or sudden increase in their bill for the use  
17 of such service.

18 (5) Section 332 of the Communications Act of  
19 1934 (47 U.S.C. 332) requires that all commercial  
20 mobile service provider charges, practices, classifica-  
21 tions, and regulations “for or in connection with”  
22 interstate communications service be just and rea-  
23 sonable, and authorizes the Federal Communications  
24 Commission to promulgate rules to implement this  
25 requirement.

1 **SEC. 3. NOTIFICATION OF CELL PHONE USAGE LIMITS;**  
2 **SUBSCRIBER CONSENT.**

3 (a) DEFINITION.—In this section, the term “commer-  
4 cial mobile service” has the same meaning as in section  
5 332(d)(1) of the Communications Act of 1934 (47 U.S.C.  
6 332(d)(1)).

7 (b) NOTIFICATION OF CELL PHONE USAGE LIM-  
8 ITS.—The Federal Communications Commission shall pro-  
9 mulgate regulations to require that a provider of commer-  
10 cial mobile service shall—

11 (1) notify a subscriber when the subscriber has  
12 used 80 percent of the monthly limit or prepaid  
13 amount of voice minutes, text messages, or data  
14 megabytes agreed to in the commercial mobile serv-  
15 ice contract of the subscriber;

16 (2) send, at no charge to the subscriber, the no-  
17 tification described in paragraph (1) in the form of  
18 a voice message, text message, or email; and

19 (3) ensure that such text message or email is  
20 not counted against the monthly limit or prepaid  
21 amount for voice minutes, text messages, or data  
22 megabytes of the commercial mobile service contract  
23 of the subscriber.

24 (c) SUBSCRIBER CONSENT.—The Federal Commu-  
25 nications Commission shall promulgate regulations to re-  
26 quire a provider of commercial mobile service shall—

1           (1) obtain the consent of a subscriber who re-  
2           ceived a notification under subsection (b) to use  
3           voice, text, or data services in excess of the monthly  
4           limit of the commercial mobile service contract of  
5           the subscriber before the provider may allow the  
6           subscriber to use such excess services; and

7           (2) allow a subscriber to, at no cost, provide the  
8           consent required under paragraph (1) in the form of  
9           a voice message, text message, or email that is not  
10          counted against the monthly limit or prepaid amount  
11          for voice minutes, text messages, or data megabytes  
12          of the commercial mobile service contract of the sub-  
13          scriber.

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