

**DRAFT**

## Form 1088B – Live Call Received at a Residential Telephone Line Complaint

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### **Consumer's Information:**

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Company Name: \_\_\_\_\_  
(Complete only if you are filing this complaint on behalf of a company or an organization.)

Street Address or Post Office Box Number: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_ Ext: \_\_\_\_\_

**\*\*\* ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT. \*\*\***

**Background information is at the end of this section.**

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1. Telephone number where you received the call (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_
2. Is this number on the National Do-Not-Call Registry? \_\_\_Yes \_\_\_No \_\_\_Not certain
3. When did you receive the call? Date \_\_\_/\_\_\_/\_\_\_ Time \_\_:\_\_\_  AM  PM
4. Did the call advertise the commercial availability or quality of any property, goods, or services?  
\_\_\_Yes What property, goods, or services did the call promote?  
\_\_\_\_\_  
\_\_\_No
5. Record any other time that you received the same call from this advertiser.  
  
Date \_\_\_/\_\_\_/\_\_\_ Time \_\_:\_\_\_  AM  PM  
Date \_\_\_/\_\_\_/\_\_\_ Time \_\_:\_\_\_  AM  PM  
Date \_\_\_/\_\_\_/\_\_\_ Time \_\_:\_\_\_  AM  PM
6. Was the following information provided DURING the call?  
Name of the business, individual, or other entity responsible for the call \_\_\_ Yes \_\_\_ No  
Name(s) provided \_\_\_\_\_  
Was this provided at the beginning of the call? \_\_\_ Yes \_\_\_ No  
Business telephone number for the entity responsible for the call \_\_\_ Yes \_\_\_ No  
Numbers provided: (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_ (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_  
Other information provided \_\_\_\_\_  
Did you listen to the entire call? \_\_\_ Yes \_\_\_ No

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7. Did you receive caller ID information for the call in question?  
 Yes  No  Don't have caller ID (If you answer No or Don't Have, skip to **question 8.**)

Information obtained through caller ID: (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_  
Business name \_\_\_\_\_

Did the caller ID information accurately report the name and/or calling number for the call in question?

Yes  
 No How did you determine it was not accurate \_\_\_\_\_  
 Not certain

8. List any names, telephone numbers, or other identifying information (e.g., addresses, websites) that you have obtained through other means (e.g., reverse call back through \*57 or your own research).

(\_\_\_\_) \_\_\_\_ - \_\_\_\_\_ (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_ (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_  
Business name(s) \_\_\_\_\_  
Other information \_\_\_\_\_  
How did you obtain this information? \_\_\_\_\_

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9. Did the call claim to represent a tax-exempt nonprofit organization?  
 Yes \_\_\_\_\_ (organization name)  
 No

10. Have you or anyone else in your household given the advertiser or anyone associated with the advertised property, goods, or services permission to call?  Yes  No  
Did you give permission in writing?  Yes  No

11. Have you or anyone else in your household:  
Done any business with the advertiser involving the advertised property, goods, or services (a purchase or other transaction) within the past 18 months prior to receiving the call?  
 Yes  No

Made an inquiry or application to the advertiser involving the advertised property, goods, or services within the past 3 months prior to receiving the call?  Yes  No

12. Do you or anyone else in your household have a personal relationship (family, friend, or acquaintance) with the individual who made the call?  Yes  No

13. Have you or anyone else in your household asked the advertiser or anyone associated with the advertised property, goods, or services NOT to call you?  
 Yes  No

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13. (Cont'd) (Provide as much detail as possible.)

When? Date \_\_\_/\_\_\_/\_\_\_

How did you make your request?

\_\_\_ By telephone during a telemarketing call

\_\_\_ By telephone to (\_\_\_) \_\_\_ - \_\_\_\_\_

\_\_\_ By fax to (\_\_\_) \_\_\_ - \_\_\_\_\_

\_\_\_ By e-mail to \_\_\_\_\_

\_\_\_ By website request at \_\_\_\_\_

\_\_\_ By letter to \_\_\_\_\_

Provide name and address \_\_\_\_\_

Describe any response from, or other contact with, the advertiser or telemarketer including any difficulty in making your do-not-call request, or any telemarketing calls that you received from this advertiser after making your do-not-call request.

\_\_\_\_\_

\_\_\_\_\_

**Continue to the Attestation Page to Complete Your Complaint**

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### BACKGROUND

The FCC's rules prohibit telemarketing calls to your home before 8 a.m. or after 9 p.m. Telemarketing calls are advertising calls – calls made “for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services.” Calls that claim to be surveys may actually be telemarketing calls if they also promote property, goods, or services. In addition, calls that offer free information or products may also be covered if the free offer is a pretext to a sales pitch. The rules do not cover calls made by tax-exempt nonprofit organizations and calls that are not advertisements, such as solicitations for charitable contributions, political and religious messages, and debt collection calls.

Anyone making a telemarketing call to your home must provide his or her name, the name of the business on whose behalf the call is being made, and a telephone number or address for that business. In addition, telemarketers are required to transmit accurate caller ID information: a telephone number (one that is able to receive do-not-call requests during regular business hours) and, when possible, the telemarketer's name.

The rules permit consumers to further limit telemarketing calls to their residential telephone lines in two ways: by signing on to the National Do-Not-Call Registry (<http://www.ftc.gov/donotcall/>) or by asking a particular business not to call again (company-specific do-not-call request). Registration on the National-Do-Not-Call Registry does not prohibit a particular business from calling if you (1) have agreed in writing to accept telemarketing calls from the business, (2) have established a business relationship with the business by making a purchase or having some other transaction within the past 18 months or by making an inquiry or application within the past 3 months, or (3) have a personal relationship (friend, family, acquaintance) with the individual who calls you. In these situations, however, you may cancel the permission to call, end your business relationship, or prevent future calls based on a personal relationship by making a company-specific do-not-call request. Advertisers have no more than 30 days to honor National Do-Not-Call registrations and company-specific do-not-call requests. Such requests must be honored for a period of 5 years.

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## Form 1088B – Attestation

ATTEST TO THE ACCURACY OF YOUR COMPLAINT Thank you for filing your complaint. **Your complaint will be most useful to us if you execute this sworn statement.** The FCC will make every effort to take enforcement action against any party who violated the FCC's rules.

Fill in the blanks below and then check the "EXECUTE" box, to declare under penalty of perjury that the information you have provided is, to the best of your knowledge, true and correct.

I declare under penalty of perjury that (1) I am over 18 years old, (2) I am authorized to make decisions regarding the telephone number listed below, and (3) the information I have provided today on this Federal Communications Commission form is, to the best of my knowledge, true and correct.

\_\_\_\_\_ (name) \_\_\_\_\_ (date)  EXECUTE

(\_\_\_\_) \_\_\_\_ - \_\_\_\_\_ (telephone number where you received the call(s) that is the subject of your complaint)

You may submit this form over the Internet at <http://www.fcc.gov/cgb/complaints.html>, by e-mail to [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov), by fax to 1-866-418-0232, or by postal mail to:

Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Consumer Complaints  
445 12th Street, SW  
Washington, D.C. 20554.

In addition, you may submit your complaint over the telephone by calling 888-CALL-FCC. If you choose to submit your complaint over the telephone, an FCC customer service representative will fill out an electronic version of the form for you during your conversation. If you have any questions, feel free to contact the FCC at 888-CALL-FCC.

### FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT AND THE PRIVACY ACT

The Federal Communications Commission is authorized under the Communications Act of 1934, as amended, to collect the personal information that we request in this form. This form is used for complaints that involve (1) junk faxes, (2) telemarketing (including do-not-call violations), and (3) other related issues such as prerecorded messages, automatic telephone dialing systems, and unsolicited commercial email messages to wireless telecommunications devices. The public reporting for this collection of information is estimated to average 3-30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, OMD-PER, Paperwork Reduction Project (3060-1088), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to [PRA@fcc.gov](mailto:PRA@fcc.gov). PLEASE DO NOT SEND YOUR COMPLETED FORMS TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-1088.

In addition, the information that consumers provide when filling out FCC Form 1088 is covered by the system of records notice, FCC/CGB-1, Informal Complaints and Inquiries File (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services). The Commission is authorized to request this information from consumers under 47 U.S.C. 206, 208, 301, 303, 309(e), 312, 362, 364, 386, 507, and 51; and 47 CFR 1.711 *et seq.*

Under this system of records notice, FCC/CIB-1, the FCC may disclose information that consumers provide as follows: when a record in this system involves a complaint against a common carrier, the complaint is forwarded to the defendant carrier who must, within a prescribed time frame, either satisfy the complaint or explain to the Commission and the complainant its failure to do so; where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order; a record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit; a record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body; a record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when: (a) the United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Commission determines that the disclosure is relevant or necessary to the litigation; a record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office; a record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

In each of these cases, the FCC will determine whether disclosure of the information in this system of records notice is compatible with the purpose for which the records were collected. Furthermore, information in this system of records notice are available for public inspection after redaction of information that could identify the complainant or correspondent, *i.e.*, name, address and/or telephone number.

**THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507 AND THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. SECTION 552a(e)(3).**