

DRAFT Form 1088D – “Abandoned” Calls & “War Dialing” Received at a Business or Residential Telephone Line Complaint

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

Background information is at the end of this section.

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 (Residential or Business): (____) ____ - _____ Ext: _____

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

Background information is at the end of this section.

1. Do you believe that you have received an abandoned call or war dialing at your business or residential telephone line?

___ “Abandoned” call (telemarketing call that is not connected to a live representative within 2 seconds after you answered; characterized by “dead air”)

___ “War dialing” (automated dialing to determine whether a telephone line can receive faxes; characterized by automated tones)

2. When did you receive the call? Date ___/___/___ Time ___:___ AM PM

3. Did you receive caller ID information for the call/message in question?
___ Yes ___ No ___ Don't have caller ID (If you answer No or Don't Have, skip to **question 4.**)

Information obtained through caller ID: (____) ____ - _____
Business name _____

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

___ Yes
___ No How did you determine it was not accurate? _____
___ Not certain

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

(____) ____ - _____ (____) ____ - _____ (____) ____ - _____
Business name(s) _____
Other information _____
How did you obtain this information? _____

Continue to the Attestation Page to Complete Your Complaint

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BACKGROUND

An “abandoned” call is a telemarketing call that is not connected to a live representative within two seconds after being answered by a live person. If you receive an abandoned call, you may hear dead air or clicking sounds, sometimes followed by a prerecorded message or a hang up.

“War dialing” is the use of any technology to dial a telephone number to determine whether the line can receive faxes. If you receive “war dialing,” you may hear automated tones as the war dialing equipment gathers and records information about your telephone line.

The FCC’s rules protect against unreasonable telemarketing practices by:

- limiting call “abandonment” by telemarketers to no more than 3% of all telemarketing calls over a 30 day period; and,
- prohibiting “war dialing”

Call abandonment and war dialing are especially difficult to investigate because they often involve calls in which the perpetrator, or even the precise activity, is not easily identified. Not every call that produces dead air or automated tones involves an abandoned call or war dialing.

The more details you are able to provide, the greater the likelihood that the FCC will be able to determine whether a violation has occurred that could lead to an enforcement action.

DRAFT

Form 1088D – Attestation Page

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, 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-PERF, 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. 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).