

Item 31

Rules Pertaining to Telecommunications Service to Customers with Limited English Proficiency

R07-01-021

Statement of Commissioner Timothy Simon

July 26, 2007

Colleagues:

Today, 95% of all Californians live in areas where companies offering customer service and support for telecommunications services in languages other than English. This strikes me as responsible corporate behavior that merits commendation.

Fundamentally, markets work best when consumers are informed and have choices. If firms have a proactive campaign to market their services in a language other than English, then it is reasonable to require that they provide the customer with information on what he or she has purchased and provide a minimal level of customer support in the language used to make the sale. As the speakers before me have made clear, the rules that we adopt offer carriers a flexible menu of choices that will ensure that this happens. Most importantly, if a carrier markets in a language other than English, the carrier incurs the obligation to enable a consumer to reach a live person that speaks the language and can assist the customer.

Today's decision seeks to insure that these rules of conduct, already followed by major carriers, becomes a standard practice throughout California. Today's decision is about making markets work by empowering consumers with information.

Let me discuss briefly two other major aspects of this decision. First, fraud is fraud and a violation of California and the common law, whether the fraud takes place in English or some other language. The rules we adopt today will empower Californians, deter fraudulent business practices and help us to enforce California anti-fraud laws. Second, Californians who have limited proficiency in English are not powerless – indeed, they are often the most resourceful individuals in our state.

As an American of African decent, my family has spoken English since before the American Revolution. As a Californian, the abilities of those who come to California not speaking English with native proficiency are made clear to me daily. My chief of staff, Marzia Zafar, for example, arrived at the age of 14 in California from Kabul, a Pashtune speaking Farsi. She has made it clear to me that the original approach taken by the draft decision was deeply offensive to those with limited English proficiency, and she saw the altruism that guided the approach of the draft decision as marginalizing those it purported to assist. As Governor Schwarzenegger's appointment secretary, it became clear to me that pronouncing our state as Cal "ee" fornia is not a sign of weakness that requires regulatory assistance. Let me commend Commissioner Peevey and his advisor Lester Wong for incorporating many textual changes to ensure that today's decision creates market rules without belittling as victims

those who are not native English speakers. Thank you for continuing to work with me on revisions to the text even after you had drafted regulations consistent with this vision.

Let me also point out that today's decision does not impose a "gag order" in the workplace or prevent salespersons from providing assistance to those of limited English proficiency. Only a deliberate corporate solicitation triggers the requirements adopted today, not the spontaneous communications of multi-lingual individuals. Thus, this area will continue to be one that rewards entrepreneurial ability, particularly small businesses whether the ability is exercised in English or in some other language.

In summary, I plan to vote in favor of today's order and to file a concurrence that clearly explains why I believe that what we do today is a reasonable response to complexities of the California communications marketplace.