



**Staff Report on
November 8 and 9, 2007, Workshops:
Limited English Proficiency
Tracking, Reporting, and Complaints**

R.07-01-021

**California Public Utilities Commission
Communications Division**

December 17, 2007

EXECUTIVE SUMMARY	1
BACKGROUND.....	2
SUMMARY OF WORKSHOP	2
WORKSHOP DISCUSSION AND RESPONSES TO RULING QUESTIONS.....	3
A. Language Preference Tracking Topics:.....	3
Question (a): Current tracking methods.....	3
Question (b): Tracking preferences without soliciting preference.....	4
Question (c): Preference tracking reports.....	5
Question (d): Exceptions to requirements.....	6
Question (e): Other tracking requirements.....	7
B. Tracking Consumer Complaints by Language:.....	7
Question (a): Complaint definition.....	7
Question (b): Complaint definition alternatives.....	8
Question (c): Specific complaint information to be tracked.....	9
Question (d): Complaint tracking reports.....	9
Question (e): Privacy and publishing limitations for aggregated data.....	10
Question (f): Privacy and publishing limitations for individual data.....	11
Question (g): Tracking and reporting exceptions.....	11
Question (h): Other mechanisms.....	11
Question (i): Other complaint tracking or reporting requirements.....	12
C. Cost Issues.....	13
D. Fraud Issues.....	13
E. Alternative Solutions.....	14
Census Data	14
Consumer Information Management System (CIMS)	14
Surveys.....	14
Service Quality Enhancement and Other Internal Processes	15
Funding and Resources for CBOs.....	15
Regulatory Complaint Resolution Forum (RCRF)	16
CONCLUSION	16

Executive Summary

The October 18, 2007, Administrative Law Judge's ruling in the Limited English Proficiency (LEP) proceeding¹ posed questions concerning possible Commission adoption of requirements for language preference and consumer complaint tracking and reporting. The ruling directed staff to hold workshops on November 8 and 9, 2007, to address those questions, and directed parties to submit pre- and post-workshop statements.

Consumer groups presented their view that such tracking and reporting requirements are essential tools for assessing whether telecommunications consumers with limited English proficiency are receiving adequate service and assistance, and are otherwise fairly treated. Carriers objected to these requirements because they believe that they would be premature at this time, they would not satisfy the proceeding's goals as well as alternatives could, and the cost would exceed the benefits.

This report describes parties' answers to the specific questions posed in the ruling, and summarizes discussions about alternative means to satisfy the proceeding's goals. Six new ideas were proposed, that when implemented together might create a reasonable alternative. In summary, the parties consistently disagreed about whether the Commission should require the carriers to implement systematic language preference and complaint tracking, and did not agree to any alternative. However, the parties agreed that it would be worthwhile to explore the alternative and seek agreement on any details necessary for parties to know that their interests would be addressed satisfactorily.

¹ Phase II-B in R.07-01-021, Order Instituting Rulemaking to Address the Needs of Telecommunications Customers who have Limited English Proficiency, January 11, 2007.

Background

Decision (D.) 07-07-043 dated July 26, 2007 in Rulemaking (OIR) 07-01-021, addressed the needs of California telecommunications consumers who do not speak English fluently. The Commission initiated this OIR to consider ways to improve services to consumers with limited English proficiency (LEP), and to protect these consumers from fraud. Accordingly, D. 07-07-043 (Phase I) adopted in-language rules (services and rules pertinent to a non-English language) which addressed in-language customer service and other measures to prevent consumer fraud, to which LEP consumers are particularly vulnerable. These rules apply only to telecommunications carriers who, effective January 1, 2008, market in-language; they do not apply to carriers' wholesale or business customers, or prepaid and month-to-month wireless consumers, but are confined to residential wireline and all wireless consumers.

Subsequent to D. 07-07-043, the assigned Commissioner issued a ruling, dated August 30, 2007, which identified the scope of issues to be addressed in Phase II of the proceeding. Specifically, the issues to be addressed in Phase II included establishing fraud reporting and rules for LEP consumers, determining the types of consumer complaint and language preference information that should be tracked, and determining whether in-language market trials are appropriate.

On September 27, 2007 the assigned Commissioner issued another ruling (ACR), dividing Phase II issues into two parts: Phase II-A would address the issues related to the in language market trials, and Phase II-B would address issues related to fraud notification to LEP consumers, LEP consumer complaint and language preference tracking, and fraud reporting by carriers to the Commission. The September 27, 2007 ACR also ordered a workshop in Phase II-B, to provide parties with a forum to discuss issues related to LEP consumer complaint and language preference tracking. Following the ACR, the assigned Administrative Law Judge (ALJ) issued a ruling on October 18, 2007 which ordered pertinent parties to file position papers no later than November 2, 2007, and for Communications Division (CD) staff to hold a workshop and issue a report on the results of that workshop on or before December 17, 2007.

Summary of Workshop

As ordered by the October 18, 2007 ALJ ruling, position papers were filed on November 2, 2007 by the following parties:

- CTIA
- AT&T Wireline and Wireless
- Verizon Wireless

- Consumer Federation of California
- Joint Consumer Groups which included TURN, DRA, Latino Issues Forum, and Greenlining Institute.

The workshop spanned two days, November 8 and 9, 2007. Commissioner Rachele Chong provided some welcoming remarks and encouragement. Paul King, Pamela Thompson, and Valerie Kao of the Commission's Communications Division facilitated the workshop. During the first day of the workshop, parties responded to questions about Language Preference Tracking. During the second day of the workshop the parties responded to questions about Tracking Consumer Complaints by Language. The workshop allowed parties to exchange ideas on the different issues outlined by the October 18, 2007, ruling. Following the workshop, in accordance with the ALJ's ruling, the parties filed comments on November 14, 2007.

Workshop Discussion and Responses to Ruling Questions

The following sections present brief descriptions of the different parties' positions regarding: A. Language Preference Tracking questions, B. Tracking Consumer Complaints by Language questions, C. Cost Issues, and D. Fraud Issues. Each question is restated in *bold italics* as written in the October 18, 2007, ALJ ruling, identified with the same letter as in the ruling. Following each question are parties' positions as well as exploratory ideas, summarized from their pre-workshop position papers, from discussions that transpired during the two-day workshop, and from the post-workshop comments.

Since no transcript was taken during the workshop, readers should rely on parties' written pre- and post-workshop position papers and comments for definitive descriptions of parties' positions. The primary purpose of the workshop was to discuss parties' positions, exchange information, and provide an interactive forum seeking mutually acceptable solutions, not to provide documentation of individual positions. Descriptions of workshop discussions in this report are intended to give the reader insight into the direction the parties are currently taking regarding the issues raised in the ruling, and to provide a document capturing the progress made towards crafting alternative proposals.

A. Language Preference Tracking Topics:

Question (a): Current tracking methods.

For carriers that currently track customer language preferences, what methods do they use to solicit language preference? What are the advantages and disadvantages of each method?

CTIA stated at the workshop that it does not currently have any methods in place to track language preferences.

AT&T and AT&T Wireless currently only track language preferences in Spanish. They accomplish this through their English/Spanish billing system by keeping track of all bill explanations provided to Spanish speaking customers. In the workshop AT&T provided a handout and stated that they track language preferences through phone call inquiries from their customers. Specifically, their wireline customers who indicate a language preference in Spanish are directed to an AT&T representative who has Spanish speaking abilities, and these customers are tagged through their Information Technology (IT) system. This tagging process is not provided for the mobile wireless customers.

The small ILECs² do not track customer language preferences. Surewest does not track customer language preferences.

Verizon stated in their comments filed on November 14, 2007 that they have been tracking language preferences for their LifeLine customers since 2001. This is in compliance with D.00-10-028, which required language tracking at point of sale for LifeLine customers. Verizon at that time employed a third party (Solix) to accomplish this through expensive software changes. Verizon provided language tracking in three Asian languages, through its National Order Collection Vehicle and in its Customer Billing support system. Verizon also instructed their representatives to ask customers their language preference among the languages tracked.

Cricket Telephone Company stated that they currently do not have any mechanisms for tracking language preferences.

TURN, representing Joint Consumer groups, filed comments and stated that none of the carriers currently track language preferences except for Verizon and AT&T. The consumer groups noted that D. 07-07-043 stressed the value of tracking language preferences and complaints to ensure that LEP consumers' needs are being met.

Question (b): Tracking preferences without soliciting preference.

If carriers that currently track customer language preferences do not solicit language preference, how do they obtain information on customer language preference?

As stated above, the only companies that track language preferences are AT&T, AT&T Wireless (in Spanish only), and Verizon. Verizon tracks three Asian languages and began to track in Spanish, but discontinued doing that as they felt they already provided Spanish speaking customer support through their

² Thirteen companies: Calaveras, Cal-Ore, Ducor, Foresthill, Happy Valley, Hornitos, Kerman, Pinnacles, Ponderosa, Sierra Telephone, Siskiyou, Volcano, and Winterhaven.

community outreach efforts. As stated above, AT&T gathers information through a tagging system, and Verizon tracks language preference through its National Order Collection Vehicle and in its Customer Billing support system. Both AT&T and Verizon stated that these tracking systems are expensive.

Question (c): Preference tracking reports.

What, if any, reports on customer language preference tracking should carriers be required to provide to the Commission? What specific information should be contained in those reports, and why? What should the Commission do with (how should the Commission use) the information reported on language preference tracking? How will the information provide a benefit to the Commission, customers and carriers?

None of the carriers supported reporting customer language preferences.

Consumer groups stated in their position papers that carriers should file reports including a list of the languages for which in-language support was provided, the number of customers in each language group, and the geographic locations of customers requiring in-language support. Consumer groups further stated that the Commission should use this information for comparison with service area and Census data to determine if areas with large LEP populations are receiving adequate in-language services.

In view of the overall purpose of this proceeding, CTIA stated its view that the success of the Phase I rules would be better ensured by focusing on:

- Development of the Commission's Consumer Affairs Branch (CAB) division and the impending Consumer Information Management System (CIMS) database.
- Reinstitution of the Regulatory Complaint Resolution Forum (RCRF).
- Analysis of existing Census data on the needs of LEP consumers in California.
- Continuation and strengthening of the direct communication among the carriers, Commission staff and Community Based Organizations (CBOs).

The AT&T companies supported CTIA's views above and added the following:

- Any tracking at this time is premature and should not be implemented prior to the requirements of the Phase I decision which is to meet the needs of limited English proficiency consumers. Furthermore, tracking should not be implemented prior to the Commission launching its CIMS database system and CBO program.

- There are other more reliable means for achieving the Commission's objective through use of surveys, and other available sources of the demographic needs and experience of limited English proficiency consumers.
- Tracking and reporting language preferences is extremely burdensome and expensive.

The small ILECs objected to reporting, as they feel that any reporting is not necessary. However, they stated that if the Commission adopted reporting requirements the rules should include two important limitations: (1) Carriers should only be required to report upon language preferences if they have previously reached out to consumers "in-language", and (2) Any rules adopted should exempt carriers who have a revenue stream below a certain threshold. SureWest also agreed with these views.

Verizon stated in its position paper that the reporting of tracking results should not be required, as it would be of little use.

Cricket stated views similar to CTIA's and the other carriers' positions, reiterating that tracking requirements are expensive and burdensome, and therefore does not support any reporting of tracking results.

TURN, on behalf of Joint Consumer groups, was adamant about the necessity of tracking language preferences. During the workshop they stated that, in order to assess whether LEP consumers are being adequately served, the Commission first needed to better understand the distribution of LEP consumers among the different carriers. More specifically, without some measure of how many LEP consumers a carrier has, it would be impossible to measure the severity of LEP consumer complaints. TURN elaborated that these reports could be used to help support the proposed carrier fraud notification program. The consumer groups stated that the Commission should disregard the allegation made by CTIA and the other carriers asserting the extremely high cost of tracking language preferences.

Possible benefits of LEP tracking information discussed at the workshop included monitoring LEP consumer-carrier relationships to ensure no disproportionate difficulties for any tracked group, to facilitate or direct any remedial action, to provide the Commission data on the state of LEP needs, and to assist in designing outreach efforts.

Question (d): Exceptions to requirements.

What, if any, exceptions to language preference tracking or reporting are appropriate, and why? In particular, should carriers meeting specific criteria be exempt from separately tracking customer language preference? For example, the proposed decision of Commissioner Peevey would have exempted carriers with annual

intrastate revenues of less than \$10 million from separately tracking customer language preference. Should the Commission adopt this or a similar exception for small carriers? If not, on what basis, if any, should exceptions be made to tracking customer language preference?

The small ILECS stated that they agree with this exemption. They also stated that any company that did not market in-language should be exempt from tracking and reporting.

Whereas the carriers believe that either the \$10 million threshold *or* the decision to market only in English should exempt a carrier from tracking and reporting requirements, consumer groups argued that both of these conditions should be met in order for a carrier to be exempt from the rules. Additionally, consumer groups stated that carriers seeking exemption should file a report annually to the Commission confirming intrastate revenues of less than \$10 million *and* that they do not conduct in-language marketing and therefore are not bound by the Phase I rules.

Question (e): Other tracking requirements.

What other requirements should the Commission establish with respect to language preference tracking or reporting, and why?

TURN responded to this question in the workshop and in their filed comments. As stated in the response to question (d) above, TURN stated that the exempted carriers should periodically file a report to the Commission reconfirming that they qualify for an exemption to the Phase I rules.

B. Tracking Consumer Complaints by Language:

Question (a): Complaint definition.

Should the Commission adopt the proposed definition of reportable telecommunications complaint? If not, why not?

Most parties agreed that the proposed definition was unworkable, although for differing reasons. The general conclusion was that the definition should not include so many qualifiers, or should otherwise be more inclusive of all complaints.

Verizon stated that the proposed definition is too broad. Their position paper expressed concern regarding the phrase “expression of dissatisfaction,” which would include inquiries and other interactions that do not warrant any kind of

redress. Specifically, Verizon argues that calls related to legally mandated taxes or surcharges should not be subject to reporting.

Consumer groups also expressed dissatisfaction with the proposed definition, stating that it was too complex and that it did not sufficiently address the specific issue of complaints related to language barriers.

The Consumer Federation of California (“CFC”) stated in its position paper that the proposed definition is too complex, and should instead be framed to include all complaints (both exempt and non-exempt). CFC agreed with certain elements/phrases of the proposed definition, including “to the corporation and affiliated companies and agents thereof” and “if the customer or applicant expresses dissatisfaction,” with the understanding that an inquiry in which the agent’s explanation does not satisfy the customer becomes a reportable complaint. CFC opposed limiting reportable complaints to those made by a “customer or applicant,” as they are concerned that this would exclude potential customers who were mistreated or told not to apply for service. CFC also expressed concern that the proposed definition would discourage carriers from taking action to resolve complaints, and would limit reportable complaints to those in which the complainant states that the carrier violated the law or a CPUC order or rule, or the carrier’s own terms and conditions of service. Finally, CFC recommends that the same term, either “telephone corporation” or “carrier” (not both) be used consistently in the definition, and that “company” should be specified to indicate the carrier, its affiliates, or its agent(s).

The Joint Consumer Group’s position paper listed many of the same concerns as CFC, and further argued that the numerous qualifications regarding topics about which a customer can express dissatisfaction is too long and complicated and would most likely lead to further confusion for both the complainant and the agent.

In their position paper, the Communities for Telecom Rights (“CTR”) stated that the definition does not adequately cover the many instances in which LEP consumers complain about billing and service issues, especially those resulting from sales transactions that took place in English. CTR supported the inclusion of all calls in which bills have been adjusted, including those in which a carrier classifies the complaint as a “courtesy credit.”

Question (b): Complaint definition alternatives.

If a different definition of “reportable telecommunications complaint” should be adopted, what should that definition be, and why?

Most parties did not provide a specific alternative definition – except for CFC, which suggested the following: “Any communication, written or oral, that expresses dissatisfaction with a specific [telephone] company or agent.”

Alternatively: “An expression of dissatisfaction made to an organization, related to its products or to the complaints handling process itself, where a response or resolution is explicitly or implicitly expected.”

In their position paper, the Joint Consumer Groups did not suggest a specific alternative definition, but recommended that carriers log all inquiries, and develop a short set of categories for subsequent identification and grouping.

During the workshop, both carriers and consumer groups discussed the difficulty for both the agent and the complainant, and the increased potential for misunderstanding, that would likely result from a relatively narrow definition. Parties generally agreed that the proposed definition should not be adopted, and consumer groups expressed a willingness to work with carriers to fashion a more workable definition.

CFC suggested two ideas for simplifying the criteria. One idea supported the recommendation that all calls be tracked and reported, with each call then further classified as “inquiry,” “complaint,” etc. The second suggestion was to simply track all instances in which a customer calls more than once – the assumption being that the agent’s response during the first call was unsatisfactory.

Question (c): Specific complaint information to be tracked.

What specific information should be tracked in connection with a reportable telecommunications complaint?

Consumer groups listed a number of elements that should be tracked, most notably subject, description, and whether in-language support was provided.

In their position paper, CFC provided a list of approximately ten items that should be tracked. Joint Consumer Groups provided a similar list of approximately eight items. CFC also referred to a complaint recording matrix developed by the National Association of Insurance Consumers for tracking the subject matter of complaints.

Question (d): Complaint tracking reports.

Should carriers be required to prepare or file reports of any kind concerning LEP consumer reportable telecommunications complaints? If so, what specific information should be contained in these reports, and when/how should any reports be made? What should the Commission do with (how should the Commission use) the information reported? How will the information provide a benefit to the Commission, customers and carriers?

Consumer groups agreed that such reports should be required for the purpose of ensuring that LEP consumers are being served adequately and do not have a disproportionate share of complaints; reports should include information pertinent to the nature of the complaint, monetary amount of the dispute, geographic area of the consumer, and the consumer's preferred language.

Consumer groups argued that such tracking and reporting is a benefit to carriers since it allows them to identify frequently repeated complaints and better target their own efforts to improve service. In its position paper, CTR provided a list of seven items that should be included in a report; Joint Consumer Groups listed three items that should be reported. In its position paper, CFC noted that numerous companies offer software that should make both tracking and reporting easy for carriers. CFC further cited a study that showed customers' loyalty is affected by the quality of their call center experience.

During the workshop, carriers again questioned the purpose/benefit of such reports, to which consumer groups responded that they would like to know whether a specific LEP group was facing particular challenges, or whether a specific carrier had a disproportionate number of complaints coming from LEP consumers. The crux of this discussion was that carriers believe that the same information could be collected from Census data and from the CAB database, and consumer groups believe that the CAB database does not capture nearly as many complaints as carriers receive, and is less likely to capture LEP consumer complaints.

Question (e): Privacy and publishing limitations for aggregated data.

Should there be any limitations or restrictions on publishing or otherwise making publicly available aggregated complaint data received by the Commission? "Aggregated complaint data" means summarized data that does not reveal customer information protected under § 2891. "Aggregated complaint data" does not include carrier name, total number of complaints (or total complaints as a percentage of total subscribers), number (or percentage) of complaints by carrier, category, subcategory or type.

In light of their opposition to complaint tracking, carriers did not address this and the following questions in their position papers. Consumer groups responded that no limitations should be imposed on making aggregated complaint data publicly available.

Joint Consumers argued that carriers' names should be revealed with such data, which they stated is the practice of other state commissions. They believe that such information is vital for promoting transparency, which could benefit consumers as it may foster competition among carriers.

Question (f): Privacy and publishing limitations for individual data.

What, if any, carrier information provided to the Commission or a CBO in connection with a reportable telecommunications complaint should be prohibited from public disclosure? Why?

All parties agreed that customers' personal information (CPNI) should be prohibited from public disclosure.

Question (g): Tracking and reporting exceptions.

What, if any, exceptions to complaint tracking or reporting are appropriate, and why? In particular, should carriers meeting specific criteria be exempt from separately tracking LEP customer complaints? For example, the proposed decision of Commissioner Peevey would have exempted carriers with annual intrastate revenues of less than \$10 million from separately tracking LEP customer complaints. Should the Commission adopt this or a similar exception for small carriers? If not, on what basis, if any, should exceptions be made to tracking LEP customer complaints?

Carriers generally agreed that any exemptions should mirror those established in the Phase I decision.

Consumer groups argued that no exceptions should be made, given that such exceptions would defeat the purpose of promoting consumer information and fostering competition; consumer groups also argued that such tracking and reporting should be somewhat scalable with customer base.

During the workshop, consumer groups expressed a willingness to have the Commission grant exemptions to carriers with less than \$10 million in intrastate revenues AND who do not market in-language, but rejected the suggestion by carriers that any carrier who does not market in-language should be exempted from tracking and reporting requirements, given that they likely have LEP customers regardless of whether they market in-language. In its post-workshop comments Joint Consumers further recommended that any carrier seeking exemption file a notice or report to the Commission demonstrating that it meets the exemption criteria.

Question (h): Other mechanisms.

Other than carrier complaint tracking, what mechanisms are available to monitor LEP customer satisfaction/complaints? What are the advantages and disadvantages of each?

Carriers suggested a number of alternative mechanisms: the Consumer Affairs Branch's consumer complaint database that is expected to begin operating next year; D.06-03-013 ("CBOR Decision"), which reinstated the Regulatory

Complaint Resolution Forum; Draft CSID Resolution 002 (plan for increasing CBOs' participation in consumer complaint resolutions); and customer surveys.

Some carriers stated that their process of treating and tracking customers' calls is focused on addressing and resolving customers' concerns expediently, on a customer-by-customer basis. AT&T Mobility, for example, promotes the concept of "one call resolution," which aims at addressing customers' concerns during their initial contact. These carriers emphasized that their current systems are not set up for the type of tracking that is proposed, and that implementing the necessary changes would be costly.

Some carriers expressed that while their customer call data is not conducive to meeting the proposed tracking requirements, they are concerned about trends in consumer complaints, and are open to consulting with the Commission on their internal processes for this purpose.

Consumer groups also considered these suggested alternatives, but argued that none of them would reveal trends in LEP consumer complaints as comprehensively as the data specific to each carrier's own complaint records.

In its post-workshop comments, Joint Consumers offered two alternatives in addition to those discussed during the workshop: rather than requiring carriers to track and report all customer complaints, the Commission could instead ask carriers to conduct a statistically significant random sampling of customer complaints, for the Commission's analytical use. Secondly, Joint Consumers suggested that carriers track and report those complaints that escalated through their appeals processes, viewing these as the "canary in the coal mine" to determine if further and more detailed tracking is necessary.

These and several other alternatives are discussed further in the following section.

Question (i): Other complaint tracking or reporting requirements.

What other requirements should the Commission establish with respect to LEP consumer complaint tracking or reporting, and why?

Consumer groups stressed the importance of quality control regarding complaint data collected by carriers, and recommended the inclusion of a monitoring process to verify that all complaints are accurately reported. They also expressed that the Commission should establish procedures for examination of reports, and guidelines for determining what circumstances justify further auditing and/or prosecution of companies.

In its position paper, CFC expressed its desire that the Commission's Utilities Enforcement Branch use complaint reports and/or data to enforce P.U. Code

Section 2101, citing enforcement options outlined in the CPSD staff report “Challenges Facing Consumers with Limited English Skills in the Rapidly Changing Telecommunications Marketplace.”

C. Cost Issues

In addition to the above specific questions, the ALJ’s ruling asked for information regarding the cost of any requirements. In the workshop CTIA verbally presented some cost figures for implementing comprehensive LEP tracking capability in the wireless carriers’ systems.

CTIA stated that it asked each carrier to estimate the costs to track language preferences. Some of the methods and criteria CTIA stated for the estimates included:

- Limited to the four largest wireless carriers.
- Only residential customers.
- Limited to tracking of seven languages.
- Tracking program must be completed within a year.
- Ongoing quarterly reports would be produced.
- Language preferences would be solicited during any call to a carrier’s call center except service or equipment purchase calls.
- Due to proprietary data concerns, each carrier calculated its own estimates, which were then submitted to a third-party consultant for compilation into a total.
- Estimates, including methodology, would not be published nor any paper provided.
- The consultant was to destroy each carriers’ estimates after processing.

Stating that the resulting cost estimate was a “rough gauge” and likely “conservative,” CTIA reported that the initial cost to set up the program would be \$50 million, and the annual maintenance and operational costs would be \$119 million per year.

D. Fraud Issues

The ALJ’s ruling also asked for information regarding any fraud issues that might arise in any LEP tracking, reporting and complaint program.

Consumer groups voiced concern about LEP consumers' particular susceptibility to fraud, and advocated for language preference and complaint tracking as a means for monitoring and informing the Commission's fraud protection efforts.

Verizon stated in its position paper that if the purpose of such tracking and reports is to protect consumers against fraud, there are laws and regulations currently in place that address this concern.

E. Alternative Solutions

Throughout the workshop, parties raised a number of alternatives which, in total, may satisfactorily substitute for language preference and complaint tracking and reporting requirements.

Census Data

– in lieu of language preference tracking and reporting

Several carriers stated their view that Census data on limited English proficiency populations would serve the same purpose as the proposed language preference tracking and reporting rules. These carriers posed that the benefit of this alternative is that it is readily available at relatively minimal cost. Issues raised included aligning Census data with carriers' service areas, age of the data, and the self-reporting nature of the data.

Consumer Information Management System (CIMS)

– for complaint tracking and reporting

Carriers noted that the Commission has already invested considerable resources into its own consumer complaint database. They suggested that the Commission utilize this data for its purpose of assessing whether LEP consumers are facing unique challenges and what those challenges are.

Consumer groups conceded that CIMS is a useful baseline measure of complaint activity, but emphasized that it represents only a fraction of the total complaints lodged against carriers. This may be true especially for LEP consumer complaints, as consumer groups noted that LEP consumers generally prefer to deal directly with their providers.

Surveys

– for complaint tracking and reporting

Carriers proposed that, rather than require carriers to track and report complaints, the Commission could instead conduct customer surveys in order to gauge whether LEP consumers are facing unique challenges relative to the general population, or whether subgroups of LEP consumers have unique challenges. Some carriers mentioned that they already conduct small-scale internal surveys for monitoring of customer satisfaction.

Workshop participants and staff discussed this option at length during the workshop, and several parties noted that specific parameters of any such survey would need to be further defined before this could become a viable option. For example, who would finance these surveys? How frequently would they be conducted? Could they provide the ongoing monitoring capability that LEP tracking and reporting was envisioned to provide? Could all parties agree on an impartial independent third-party to conduct the survey? What quality criteria, such as margin of error for large and small subpopulations, would be acceptable? Could they better target specific LEP issues and provide richer information compared to systematic LEP tracking and reporting?

Service Quality Enhancement and Other Internal Processes

– for complaint tracking and reporting

Several carriers discussed their internal tools for monitoring customer satisfaction, including internal customer quality surveys and informal discussions with their call-center staff. They suggested that these tools allowed them to determine whether any issue warranted further attention and/or remedy and that, in conjunction with their meetings with the Commission's Consumer Affairs Branch (CAB), they sufficed to address any concerns the Commission and CBOs have regarding LEP consumers.

Parties agreed that the informal nature of such discussions may lend to greater candor and willingness to address problems, and consumer groups were receptive to attempting to resolve issues informally but with greater transparency. Concerns remained about what resources the Commission would have to investigate and compel a specific carrier to take action in the event of a significant increase in LEP consumer complaints. Another issue raised was whether the internal surveys would capture problems in the larger LEP consumer population.

Funding and Resources for CBOs

– to help enhance CBOs' participation in addressing LEP consumers' needs

During the workshop CTIA observed that CBOs perform a vital role in fielding LEP consumers' concerns and representing these interests to carriers and at the Commission. They suggested that directing more resources toward CBOs would allow them to communicate more actively with carriers and the Commission in addressing LEP consumer issues.

Parties agreed that greater CBO participation would be of value. Although no specific amount was mentioned and no party has yet explicitly volunteered to provide such funds, CTIA suggested exploring funding sources that might be

more readily available than those needing approval through the state budget process. Additionally, TURN acknowledged that further thought should be given as to which CBOs might be supported, given their diverse levels in outreach capacity, comfort with accepting money from carriers, etc.

Regulatory Complaint Resolution Forum (RCRF)

Carriers supported further dialogue via the RCRF, which has recently been reinstated. Structured appropriately, the RCRF could serve as a vehicle for addressing and resolving consumer LEP problems and complaints. Again, the details of how best to structure such discussions need further refinement. Several initial questions that were raised during the workshop include: will CBOs participate in the RCRF and if so, how? Which CBOs? How frequently should participants meet? Should meetings/discussions be recorded and made publicly available?

Parties agreed that it would be important to restructure the forum in at least two ways. Parties agreed that the forum should provide a venue for individual carriers to meet separately with Commission staff, and that CBOs should participate in the forum. One suggestion combining these ideas was to have two distinct venues: one to address general issues, with all carrier and CBO participants attending, and another to address specific issues with only the involved carrier and CBO attending. Parties were encouraged that this latter forum might be particularly productive in addressing LEP issues.

Conclusion

Parties generally disagreed on whether the carriers should be required to implement systematic tracking of language preference and complaint issues. However, all parties did agree that it would be worthwhile to explore how well a multi-faceted alternative solution as a whole would satisfy the proceeding's and their goals sufficiently. Parties seemed open to the idea that an alternative solution might be less costly, and possibly better satisfy the goals. Staff understands that the parties are planning on meeting in January 2008 to work on the details of the proposed alternatives. As is commonly the case, the success of these efforts likely depends on clear specification of the details and the inclusion of essential features for each facet of the alternative.