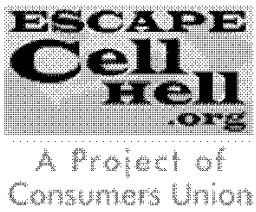

June 22, 2004

LET ME CONTROL MY CELL PHONE NUMBER

Dear Representative:

Consumers Union, the independent, non-profit publisher of *Consumer Reports*, urges you to support H.R. 3558, the Wireless 411 Privacy Act, which will ensure that more than 150 million cell phone customers have control over how and when – or if – their cell phone numbers are included in a 411 directory. The legislation will also prohibit cell phone companies from charging new fees to consumers who wish to remain unlisted. We urge you to request an immediate hearing on this important legislation.

Today, cell phone numbers are private. However, the wireless phone carriers' trade association, the Cellular Telephone and Internet Association (CTIA), is planning to launch a "411" directory database of wireless phone numbers later this year or early next year.

CTIA has said it will obtain customers' permission for inclusion in the directory and promises to respect consumers' privacy. However, many carriers are obtaining this "permission" by inserting language in wireless phone contracts allowing the carrier to include the phone number in a directory. Most important, voluntary industry guidelines do not ensure privacy protections for cell phone customers. Moreover, the industry association has been silent about whether or not carriers will charge new fees to consumers who choose to keep their cell phone numbers unlisted—in fact, some carriers have said they will charge.

The Wireless 411 Privacy Act gives customers control over their cell phone numbers in the following ways:

- Requires existing customers to give prior authorization before their number is included in a directory;
- Prohibits charging fees for unlisted numbers; and
- Prohibits publication of a cell phone number directory in electronic or paper form.

Washington Office
1666 Connecticut Avenue, N.W. Suite 310 • Washington, D.C. 20009-1039
(202) 462-6262 • fax (202) 265-9548
www.consumersunion.org • www.escapecellhell.org

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For new customers, however, the bill requires that cell phone companies give consumers the opportunity to "opt-out" of inclusion in the directory. In other words, if the customer does nothing, his or her cell phone number will be included in the directory. Consumers Union supports the "opt-in" approach – where customers must first give permission before their number is made public. We urge you to support an amendment to require express prior approval, or "opt-in," for new customers as well as existing customers.

The Wireless 411 Privacy Act is a common-sense solution that allows the wireless industry to grow a new business while still respecting the privacy wireless consumers have expected for more than 20 years. We urge you to call for an immediate hearing on this bill so that it can be marked up and brought to the floor as soon as possible.

Sincerely,

Adam J. Goldberg
Policy Analyst

Kenneth DeGraff
Policy Analyst