Got Cell Phone Problems?

Can I Cancel My Cell Phone Contract?

A cell phone provider will usually let you cancel your service contract after the 30 day trial period, but only if you pay what they call "early termination fees." These fees can be between $150 - $250 per phone line. (It could be more for smart phones!) Getting out of a contract before your contract period is up without paying any fees will be difficult. Call your provider and try to have them work with you, but BE CAREFUL! they will most likely try to sell you another service. Know what you want before you call.

Does it matter where I bought my phone?

If you bought your phone at a kiosk or booth, the fees to cancel your contract can be even more. Most kiosks are owned by third-party retailers or third-party re-sellers, not cell phone providers themselves. Look for the term "authorized" cell phone dealer or retailer. These third-party providers could charge extra early termination fees on top of the fee you might pay to your cell phone provider and these extra fees can be very high. Before you sign up for a plan at a kiosk, ask if there will be two different contracts for the service AND the phone and if there will be different early termination fees for each contract.

What if the service is poor quality, can I cancel?

Even if you are not happy with the quality of your service, you may be expected to pay an early termination fee to cancel. Cell phone providers usually do not guarantee their quality of service. For example, AT&T states in its Terms and Conditions, "AT&T does not guarantee availability of wireless network." Other providers have similar terms. So, if you are unhappy with your service and want to cancel, be expected to pay an early termination fee per phone line or for each phone, even if it is a family plan.

Don’t forget, you usually have a 30-day trial period! Try and find out if there are any problems with either the service or the phone during the first 30 days of your service contract. After 30 days, it may be possible to get out of a contract if your home has poor cell phone coverage. Call and talk to technical support. If they can establish that you have a poor coverage area, the provider might let you out of your contract.

TIP: When you call technical support, request an engineer to verify that your coverage is bad and get a trouble ticket!

How bad does the service have to be?

Cell phone contracts may not be written to cheat you, but they are written to keep you! Make use of your 30-day trial period to test your phone everywhere that you are going to use it, because it is the only chance you will get. Do not expect the quality of service to improve. If you are told reception will get better once a new tower is put up or the provider upgrades its network, you may want to find a different provider, because there is no guarantee as to when the upgrade or tower will be available.

What if my provider changes the contract terms, can I cancel?

Contracts differ, but most contracts require your provider to notify you of “material” changes and give you a small window to cancel your contract without paying an early termination fee. Usually the change must involve a price increase. For example:

- You get a text message with price increases to your data plan or voice service (Cingular T-mobile)
- There is an administrative charge or increase (Verizon, from $0.40 to $0.70)

If you have a change in contract terms:

- Ask if the change/increase applies to you
- Read the "Material Adverse" section of your contract to the Customer Service Representative
Stay calm and don’t back off your position that the change/increase has a “materially adverse” affect on you and that the carrier’s own contract gives you the right you to cancel without a penalty. Each carrier may have a different description of a materially adverse change and when a customer can get out. You usually only have a short time to claim a change on your contract and cancel, so act fast.

**What if I have lost my phone or it is stolen?**

Call your phone company and report that your phone might be lost as soon as possible. If you don’t, you might have to pay any charges on your bill even after the phone was lost or stolen. Most companies will temporarily suspend your service and give you 30 days to find your phone or get a new one before they cancel your service. If you cancel your service, and you are still under contract, you will be charged an early termination fee.

Usually while your service is in suspension, your contract is also suspended, meaning that if you suspend for thirty days, that time will be added to the end of your contract. It’s also important to check with the phone company and ask them about their policies regarding your monthly service charge while your service is in suspension. They will generally pro-rate your bill and airtime, but there may be a limit to how long they will pro-rate those charges.

If you have insurance on your phone, this is a good time to use it. Most insurance companies charge you a deductible, so make sure you can’t buy a new phone for the amount of your deductible.

Some companies may offer you a refurbished phone at a lower price. However, ask the company if you have to agree to a new one or two year service contract to get that deal.

**When Should I File a Complaint?**

File a complaint if you cannot get your cell phone company to work with you.

**The California Public Utilities Commission**

While the California Public Utilities Commission (CPUC) does not regulate the rates for cell phone companies, you should call the CPUC if you have a complaint about billing, misleading terms, service quality or cramming. To file a complaint with the CPUC call: 1 (800) 649-7570

**The Federal Communications Commission (FCC)**

The FCC also regulates the cell phone providers. If you call them, the FCC forwards your complaints to your cell phone service provider. Your carrier then has up to 30 days to respond to the complaint. It is surprising how some providers will suddenly become more cooperative when you mention the words “FCC Complaint” while talking to them.

To file a complaint you need the following information:

- Any contact information, including the business name and address of the company (or companies) involved in the complaint.
- The names of company representative you spoke with, along with the date you contacted them.

Call the FCC at: 1-888-CALL-FCC (1-888-225-5322)

The FCC accepts complaints by mail, telephone, fax, email and online at:

[http://esupport.fcc.gov/complaints.htm](http://esupport.fcc.gov/complaints.htm)

**File a complaint with the Attorney General’s office.**

State attorneys general and consumer protection offices will handle complaints about fraud and contract disputes. Some state attorneys general have filed lawsuits against wireless companies, resulting in refunds to consumers and agreements by some companies to change certain practices.

**TIP:** Make a few notes for yourself before you call to complain. What is the problem? What happened when you called the company? Who did you talk to? What did they tell you? What do you want or how do you want the problem resolved?

**For more Information contact:**