

Please type your reply above this line -

Due Date: 03/03/2016

Serve Date: 02/02/2016

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Link to Ticket: <https://fcctest.zendesk.com/agent/tickets/787439>

Subject: erroneous data usage meter

Tags: cable\_internet cams\_advertising\_deceptive\_or\_misleading cams\_needs\_oi\_review cams\_oi/nn

cams\_oi/nn\_general\_conduct cams\_oi/nn\_transparency cams\_service\_plan\_advertis

carrier\_response\_pending equipment\_internet other pennsylvania

Email: mrsfixit@gmail.com

Method: - -

Issue: - -

Number subject to complaint:

Company Name:

Other Company Name: Blue Ridge Cable

Account #:

First: Candice

Last: Devine

Address: PO Box 517

City: Bartonsville

State: pennsylvania

Zip: 18321

Phone where to be contacted: 570-620-9105

Filing on Behalf of Someone: -

Relationship:

First Name:

Last Name:

Serve Status: carrier\_response\_pending

Ticket information:

## Robin McCullough (FCC Complaints)

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### Private note

Please use the Macro called "Closure Response to FCC" when you are ready to respond. To view instructions on how to respond see <https://us-fee.box.com/how-to-respond>.

This constitutes a notice of informal complaint filed with the FCC against your company. Your response to the consumer (with a copy to the FCC) is due no later than 30 days from the date of this notice.

For more information on your legal responsibilities, see <https://us-fcc.app.box.com/complaintnotice>.

If you have any questions regarding this notice, please contact the FCC at [carriersupport@fcc.gov](mailto:carriersupport@fcc.gov).

### Mrsfixit

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Mrsfixit was not signed in when this comment was submitted. [Learn more](#)

As of Sept. 01, 2015, Blue Ridge Cable imposed data caps on its internet customers. Going over these data caps results in overage fees.

Blue Ridge provides an online "usage meter" but I have come to distrust the veracity and accuracy of this meter.

I tend to download data at the end of the month because our allotted bandwidth does not accrue- it's use it or lose it.

I was downloading data up until midnight of Jan. 31, 2016, at which time I ceased- "exactly" at midnight, and I know this because I was watching the clock.

I did a couple of emails, and then shut my cable modem off for the night within an hour or so after midnight. I did not turn my cable modem back on until 11 hours later, around noon on Feb. 01.

I had some files to download, which totalled 1.2 GB's. For the heck of it, I decided to check my usage meter which said I had downloaded 7.2 GB's in that 3 hour period.

This is not correct. There is no way I downloaded that much data in the time period they say I did.

I emailed customer service, and I got the usual litany of viruses, computers, tablets and cell phones

updating in the background, yada, yada, yada.

I run Linux. Viruses are not something I overly worry about. And Linux never, EVER updates itself without the administrators- me- express approval and password.

My Android tablet and smartphones have wifi, bluetooth, and automatic updates turned off.

Nothing in this house updates without my direct intervention, and I did no updates that day.

Blue Ridge uses a third party called OpenVault to do it's usage monitoring.

It occurred to me that if the monitoring were being done in some other time zone, where \*my\* midnight was not at the same time as "their " midnight- this could account for the discrepancy. However, when I asked about this, I was told by the CSR that the monitoring took place somewhere in NJ, which would be EST.

I don't believe them. I know what I used in that time period- and it isn't what they say it is.

Now, 6 GB's is not a lot of data, but the point is that it calls into question the veracity of their bandwidth meter. Next time it could be 10 gigs, or 20 gigs, and bandwidth would be disappearing in small increments, and maybe not even noticed by many users.

Blue Ridge has a financial incentive for users to exceed their bandwidth caps. Any 'errors' in metering benefit them. And from speaking to other Blue Ridge customers, I am coming to realize mine is not an isolated incident.

If I have to live with caps, so be it. But if I pay for 500 GB's a month, I want 500 GB's a month- not 400, or 300, or whatever they feel like giving me.

If I go to the supermarket to buy a pound of hamburger, I don't have to drag a scale with me to make sure that my pound of meat is 16 ounces and not 12. There is oversight, and regulation at work here. It should be the same for ISP's.

If an ISP wants to bill by the byte, they should be regulated as a utility. The accuracy of their meter should be verified, just like with electric meters. My electric company isn't allowed to play games with my usage statistics, and most months my cable bill is higher than my electric bill.

I want to get what I'm paying for, and not have to take the word of an unscrupulous company that I have used data that I know I have not used within a certain time period.

I cannot understand how a company can be allowed to conduct business like this with no oversight or regulation to protect consumers. This is a direct conflict of interest that leaves consumers at the mercy of monopolistic corporate policies.

Something needs to be done.

You are an agent. Add a comment by replying to this email or [view ticket in Zendesk](#).

**Ticket #** 787439

**Status** Open

**Requester** Mrsfixit

**CCs** -

**Group** Blue Ridge Communications

**Assignee** Jeff Crandall

**Priority** -

**Type** Ticket

**Channel** Web Form

T111s email 1s a service from FCC Complaints. Delivered by Zendesk

March 1, 2016

Robin McCullough  
Consumer Complaints  
Serve Ticket#787439  
Last Name: Devine

Dear Robin McCullough,

Ms. Devine's complaint is that Blue Ridge has imposed data caps as of September 1, 2015. Blue Ridge provides an online 'usage meter' and she has come to distrust the veracity and accuracy of the meter.

**Reason:** We enacted bandwidth allowances out of simple fairness. Many customers do not realize that we pay for bandwidth on a usage basis. Bandwidth consumption is increasing about 30-40% a year. This drives up the cost of delivering internet service not only in bandwidth costs but in network and equipment modifications needed to deliver internet service.

There is a vast discrepancy between bandwidth consumption of the average user and extreme user. The average user consumes about 67 GB per month (well below even the lowest allowance) but we have seen extreme users consuming Terabytes of data. We believe that it would be unfair to the average user to raise rates to pay for the increased costs caused by the extreme users. We believe the bandwidth allowances selected are fair (our latest estimates are that less than 1% of subscribers will exceed their data allowance) and that we give the extreme users notice and the opportunity to monitor their usage to avoid unexpected spikes in their bill.

**History:** Our residential internet service has had bandwidth allowances for over ten years. Originally, the bandwidth allowance was based on the level of service and the average subscriber used less than 15GB per month. In 2009, as bandwidth usage grew, we measured bandwidth usage between the peak hours of 5pm - 1 am and raised the bandwidth allowance to 250GB for all levels of service. Less than 1% of the customers were affected and they were charged \$1.00 per GB over the 250GB.

On September 1, 2015, we modified the bandwidth policy by measuring the usage levels continuously and increasing the allowance by level of service. Effective February 1, 2016, we increased the allowance by level of service, as follows :

	Speed	Bandwidth Allowance
1)	1.5mbps	200 GB downstream
2)	5mbps	450 GB downstream
3)	10mbps	550 GB downstream
4)	15mbps	700 GB downstream
5)	60mbps	800 GB downstream
6)	100mbps	1000GB(1TB) downstream

Customers who exceed the monthly allowance are charged \$10 for each additional 50 GB. We continuously monitor the overall bandwidth usage and will modify the allowances to maintain fairness

**Notice:** We email customers if they reach 75% and 90% of their bandwidth allowance. (Like the wireless phone providers do) We also provide a link to our bandwidth provider's website where the customer can monitor their bandwidth usage. For the first month of the new program (September 2015), we did not impose any usage fees but alerted the customer that we would begin doing so the following month. Importantly, bandwidth usage is independently measured and reported by a 3<sup>rd</sup> party.

**Open Internet Rules:** Customers sometimes confuse the data allowances with prohibited blocking or throttling. Data allowances are neither and have been permitted, if not encouraged, by regulatory policy. Data allowances are the fairest method to allocate the variable cost of internet service.

**Usage Meter:** There is a delay between the initiation of the transmission of data, the completion of the transmission, the measurement of the data within the transmission and display of that data on the customer's portal. To account for this delay, Blue Ridge does not count the data transmitted in the closing moments of the period against a customer's data allowance. This customer was not assessed an overage fee for the month of January or the month of February. This account used 275 GB out of 500 GB allowance in January and 175 out of 700 GB in February. If you have any further questions, please let me know.

Sincerely,

Jeff Langdon  
Blue Ridge Communications

Cc. Candice Devine