

The Elderlaw Forum: Arizona man trying to escape "cell hell"™

by Professor_Michael_Myers

"Cell Hell" is a condition described by the Consumers Union in its "Escape Cell Hell.org" web site.

"Don't get burned by bad cell phone service," says the union, asking: "Do you ever feel you are in a cell hell of dead zones, billing errors, and unexpected fees and charges?" A 74-year-old Arizona man who called the USD senior legal helpline does.

He is being sued by a Minnesota collection agency named the "Bureau of Collection Recovery, Inc." on behalf of Cellular One, a company the caller says deliberately frustrated his efforts to terminate a 12-month cell phone contract.

He said the contract contains an automatic renewal provision that extends the contract unless the company receives notice of termination before a specified date. "I went to the same Cellular One store that signed me up. They said they would not accept my notice of termination; that I had to call a remote corporate office."

He said he made several unsuccessful attempts to reach a human voice through the number provided. "They make it easy to enter into a contract, but make it very difficult to end it. They do it deliberately. They are dishonest people," said the caller.

"Now some collection agency in Minnesota is suing me for \$516 for a bill I don't owe. It's fraud. It's downright thievery!"

He may be right; it may be thievery. But often it is "legal thievery," facilitated by contracts written by company lawyers, sanctioned by an on-the-take Congress, and enforced by the courts. Nearly 100 million

Americans own, carry, and use cell phones, and each one is governed by a contract.

The public is generally unhappy with the cell phone industry, according to the Consumers Union. Cellular One has received its share of complaints. "Cellular One, a deceptive company! Ripoff!" reads a web site posting by a "Matt" who now lives in western Montana. When he moved to Montana from Wisconsin, where he signed the contract, the Montana Cellular One provider would not honor the Wisconsin contract.

I sent an objection on behalf of the Arizona caller to the collection agency and copied the Minnesota Attorney General, who in 2004 sued Cellular One, alleging it overcharged customers. My advice: Sign cell phone contracts with caution.

Pro bono legal information and advice is available to persons 55 and older through the USD Senior Legal Helpline, 1-800-747-1895; mmyers@usd.edu. Opinions herein are solely those of Professor Myers and not the University of South Dakota.

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