

**From:** Jill Morgan [ ]  
**Sent:** Wednesday, April 27, 2011 11:51 AM  
**To:** crammingforum  
**Subject:** Possible information for forum

**Follow Up Flag:** Follow up

**Flag Status:** Red

Hello Cramming Forum Team -

I recently became aware of unauthorized 3rd party charges on my T-Mobile account. See my BBB complaint below and the quick reply (modified to take out my personal information) from FunMobile.

My particular situation has been financially rectified (the BBB complaint has been closed, as I have accepted their statement of refund), but I carried it further with follow-up correspondences to T-Mobile. In my opinion, in order to protect their direct customers, it is in everyone's best interest that these large cell phone companies work only with high integrity 3rd party vendors (not BBB 'F' rated businesses like FunMobile). I also feel that they need to have some kind of a customer protected security wall against unauthorized entry into their accounts.

I have recently presented these concerns in correspondences to T-Mobile. Yesterday, I received a long response to all of my questions. Quite frankly, I was disappointed so I looked further on the internet and came across your site. I was then quickly elated to find that you will soon be conducting a Forum on the topic. I was also pleased to see that much of the same subject terminology that you use in your agenda is similar to the questions I posed to T-Mobile.

I imagine that you have ample information for rigorous discussions, but would you be interested in having my documentation for your Cramming Forum?

I have several documented correspondences:

- An e-mail from FunMobile presenting their 'evidence' of me taking part in their 'double opt-in' method. (I requested this e-mail during my initial phone call to them.)
- My response to FunMobile with my 'counter evidence' showing that my T-Mobile records show that no 'double opt-in' text was ever documented to have been received on the date/time indicated in their e-mail.
- My BBB complaint and the FunMobile response
- My chat-transcript with T-Mobile where I ask if I can password protect against third party charges.
- My E-mail to T-Mobile's privacy group regarding the matter, with numerous related questions
- An E-mail response from T-Mobile (a general response without addressing my individual questions)
- My follow-up E-mail asking that my questions be addressed or forwarded appropriately to another group
- A response obtained yesterday (4/27) from T-Mobile directly addressing my questions

If you find the above information relevant and helpful in your discussions, please let me know.

(I just corrected the spelling of 'carmmingforum' on your website. We'll see if the e-mail gets through to you!)

Kind regards,  
Jill Morgan

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**BBB Complaint against FunMobile 4/19/1020 :**

### **Complaint Details**

Funmobile has been charging our T-Mobile cell phone account \$9.99/month without our authorization since June, 2010 (for 10 months). When we finally realized this on 4/18/11 (we auto pay and are paperless), I called their company. After asking about what kind of company they are, their company representative proceeded to tell me how

I allegedly went to their website last June to sign up, that they then sent a text message with a pin to my cell phone, that I then took the pin number from that text message and that I then entered it into their site to begin services. This is all false. I asked the rep to document this in an e-mail to me. I have the e-mail and the description of events as I have recounted above. I have now gone to my T-Mobile account, brought up the text records for last June and found no such text ever being received. Their response to my statement of never having authorized enrollment for their services was to cite an IP address of a particular computer from which they claim the services were purchased. This is not my computer's IP address and was a false claim. The rep then requested our home address for verification and after having 'checked with her IT person', allegedly traced their stated IP address back to me. This is also a bogus claim. They then argue to have offered opportunities for cancellation of services. However, having never authorized commencement of any such services in the first place, offering so-called cancellation opportunities of these unauthorized services is intensely fraudulent. I have since googled complaints to their company and have found numerous individuals who have had the same experience as I have presented to you. As others have commented upon as well, it appears that with every denial of authorization argument presented to them, this company has quick and very untrustworthy responses. They appear to be well practiced and very well greased. Under the circumstances, I asked them repeatedly that they refund my money. They refuse.

### **Desired Outcome/Settlement**

#### **Desired Settlement:** Refund

I would like the company to issue a full refund of these unauthorized services which were fraudulently obtained. I would like the company to cease activities of firstly, clandestinely obtaining cell phone numbers; secondly, of fabricating authentication stories of such a nature as indicated above, thirdly, of manipulating situations such as these at the consumer's expense.

### **FunMobile Response**

*Wednesday, April 20, 2011*

To Whom It May Concern:

Dear Jill Morgan :

This notification is in regards to your complaint submitted on 4/19/2011 5:05:39 PM against Funmobile. Complaint # 8571866.

The business has sent BBB a message regarding your complaint. The contents of this message are below or attached.

Message from Business:

To Whom It May Concern:

My name is Kenneth Lim and I am the Customer Service Supervisor for Funmobile and its subsidiaries.

I feel it might be helpful to explain what our service offers to subscribers and how it is structured. Funmobile is a leading mobile content developer and messaging service provider providing entertainment, infotainment and messaging services to mobile users around the globe. Funmobile's broad range of mobile content including mobile games, ringtones and images for personalizing your phone can be found with our partners across 4 continents. Funmobile offers mobile subscription packages billed to subscribers by means of premium SMS. The value proposition of the service is to provide subscribers with access to a wide range of mobile content. There are many different subscription packages that range in price and may be charged to subscribers' phone bills either daily, weekly or monthly. In return for this fee members are entitled to receive either a certain number of credits to use on our website each day/week/month (for content download subscriptions), or a certain number of text alerts (such as a horoscope or joke) each day/week/month until the subscription is terminated. The Terms of Service are clearly stated on our website and must be agreed to before charges can be incurred.

In accordance with the Mobile Marketing Association's (MMA) Consumer Best Practices Guidelines, Funmobile requires a "double opt-in" for all of our services. This means the consumer must complete a two-part process of soliciting service before the subscription can begin and charges can incur. First, a cell phone user must enter his/her cell phone number on our web page, and agree to our Terms of Service. Second, after receiving an SMS reply from Funmobile, the user confirms their subscription by either inserting a unique PIN code (received via SMS) on the

web, or by replying YES via SMS from their cell phone. The user is only subscribed to the service if they have completed this second step confirming that they wish to proceed with the subscription. This "second opt-in" ensures that users own the mobile phone number that is being inserted on the web page and that they have the handset in their possession when subscribing. Therefore no third-person number can be subscribed to Funmobile unless they have permission from the owner to use that cell phone/cell phone number and as a result can confirm the subscription as per step 2.

Customer service is held in the highest regard at Funmobile and we strive to satisfy all of our customers. Since Ms. Morgan has furnished us with substantial evidence obtained from T-Mobile that no text message was sent to her phone [.. my tel number ...] at the date/time indicated in our premium text message (2010-06-07 at 22:49:28), I would like to issue a total refund of (\$99.90) as per Ms. Morgan's request. This refund will be sent to the name and address provided in Jill Marie Morgan's complaint [ ... my address ...]. A check will be mailed out as soon as possible. Please note that although most refund checks are processed and sent out within 3-5 weeks we have seen rare instances where it has taken up to 12 weeks for delivery.

If you have any questions regarding this matter, please do not hesitate to contact me directly.

Sincerely,

Kenneth Lim  
Customer Service Supervisor  
Funmobile Ltd.