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June 29, 2007

Mr. Steve Jobs
CEO
Apple
1 Infinite Loop
Cupertino, CA 95014

Mr. Randall L. Stephenson
Chairman & CEO
AT&T
175 E. Houston
San Antonio, TX 78299-2933

By facsimile

Gentlemen:

We write regarding the policies your companies intend to adopt concerning the iPhone handset and the wireless services available to purchasers of the iPhone.

The marketplace is excited by today's introduction of the iPhone, which has been widely heralded as the next step in the evolution of the multifunction cell phone. This is, therefore, an opportune moment for Apple and AT&T to pioneer a commensurately evolved approach to consumer service, support and respect for consumer rights. While consumers have embraced wireless and handheld technologies, and rewarded your firms with their business, the devices and company practices have not always measured up to customer expectations, or to the requirements of state consumer protection laws. Why not meet and exceed the standards as the iPhone reaches the marketplace?

Based on the information available early this morning with respect to the 6 p.m. inauguration of the iPhone program, we urge your attention to the following issues:

Battery warranty and disclosure. The iPhone battery is apparently not user-replaceable. This was and remains a controversial aspect of the iPod, because some users were required to replace the battery after an unexpectedly short duration, and at considerable expense of up to 50% of the cost of a new iPod, including shipping and handling fees. (Replacement using third party batteries has been less expensive, but would void the warranty.) News reports quote Apple as stating that the iPhone's battery will eventually

Mr. Steve Jobs
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deplete itself after 300 to 400 charges. (New York Times, June 27, 2007.) This is a matter of concern to purchasers of the product. Unlike the iPod, the iPhone is obviously intended and marketed as a device to be utilized for a broad range of business related purposes, and on a constant basis. A customer who recharges the iPhone every night, as most cell phone users do, may therefore require a battery replacement within ten months.

We have carefully examined all iPhone information available online from your firms' web sites. As of this writing, neither Apple nor AT&T has posted any information regarding the policy with respect to battery replacement. We can only assume that Apple and/or AT&T intend to provide a replacement battery at no charge for the actual life of the phone. Moreover, we assume that your firms have arranged a mechanism for instantaneous replacement at your stores so as to ensure that consumers are not confronted with the time, expense, and loss of use they would incur if their iPhone must be sent in for replacement by mail, as occurs with the iPod.

If our assumptions are incorrect, and your firms do not intend to adopt such policies, we believe many consumers will be greatly surprised, and we urge you to prominently disclose the actual battery replacement cost and replacement process in all advertising and on a pre-sale basis at your retail stores, including prior to activation on iTunes, in order to ensure that no consumers are misled concerning the performance and ultimate effective cost of the unit.

Rate plan commitment and early termination fee. The cellular industry has insisted publicly, and in numerous court cases, that early termination fees – fees of \$150 or more levied by wireless carriers on customers who cancel their contracts before a specified period of time – are necessary to offset the cost of providing handsets at subsidized prices. However, we note that even though the iPhone will be sold at its full retail price, your firms will require customers to enter into a two year service contract with AT&T and will further require a \$175 early termination fee should a customer cancel service for any reason – including poor service, defective hardware or other reason – within that period.

We further note that disclosures as to the two-year contractual commitment were made initially in Apple's advertising for the product, but were later removed from the advertising.

We call upon your companies to refrain from proceeding with the punitive and anti-competitive practice of charging an ETF for cancellation of iPhone service. At a minimum, the ETF should be waived when presented with a customer request based upon (1) device failure (2) loss or theft of the device (3) inadequate wireless service/coverage or (4) any other reasonable basis.

Moreover, in connection with the settlement of an administrative proceeding with the California Public Utilities Commission (CITE), AT&T's predecessor entity, Cingular

Group Exhibit A

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Wireless, has adopted a policy that permits customers to return a product for any reason within thirty days without incurring an early termination fee. However, we note that the iPhone return policy is limited to fourteen days, and permits a 10% restocking fee (i.e., \$49 to \$59) for return of an iPhone whose box has been opened. (AT&T's web site contains conflicting return information.) We see no reason why purchasers of these considerably more expensive devices should be denied the full thirty-day trial period without any form of penalty in the form of an early termination fee or a restocking fee. Surely neither of your companies wishes to punish customers for whom the product/service is unsatisfactory.

Finally, your companies should agree to accept iPhone returns and service deactivation without charge at any time after purchase until battery replacement disclosures stated above are fully implemented.

We wish you success in making the iPhone program one that meets and exceeds the needs and expectations of consumers in every respect, and look forward to your prompt response.

Thank you for your attention.

Sincerely,



Harvey Rosenfield

In the Media

The Gold Coast Bulletin (Australia)

July 3, 2007

by Staff Writers

Call to address; iPhone worries

Just 24 hours after Apple's much hyped iPhone was released on to the US market, Apple and its mobile carrier partner AT&T have come under fire from a powerful consumer advocacy group.

Foundation for Taxpayer & Consumer Rights has warned Apple CEO Steve Jobs and CEO of AT&T Stan Sigman they need to agree to new consumer safeguards for the iPhone.

In a letter to the two CEOs, FTCR founder Harvey Rosenfield has called on them to address two serious potential problems -- the issue of battery replacement and the cancellation penalty the pair have said they will impose on anyone wanting to get out of the two-year contract they have to sign for when they buy their iPhone.

Unlike all other handheld phones, the iPhone battery is not user replaceable.

If news reports are correct, the iPhone battery could require replacement within one year, said Rosenfield.

The companies have not disclosed if they will charge consumers to replace the battery, or if customers will have to mail their phones to the company and wait for a replacement.

FTCR wants the companies to provide free and immediate replacements at their retail locations for the life of the iPhone.

The companies have announced that consumers must agree to a two-year contract for AT&T wireless service to activate the iPhone; they will also impose a hefty \$200 cancellation fee for early termination.

But FTCR says that such fees are unnecessary and consumers should be permitted to cancel the contract at any time based upon device failure, loss or theft, inadequate wireless service/coverage or any other reasonable basis.

"The introduction of the iPhone has been heralded as a major evolution in the multifunction cell phone," said Rosenfield.

"Apple and AT&T should take this opportunity to adopt policies and practices that respect the rights of their customers."

FTCR has brought several lawsuits on behalf of the public challenging the practices, services and charges of wireless companies including AT&T, Cingular, T-Mobile and Nextel.

The group also sued Apple on behalf of customers who bought the second-generation iPod Nano and were charged for replacement of its defective screen.

Meanwhile, Australian consumers should not hold their breath waiting for the iPhone to be released here.

It is not expected here for at least another six months and then it will be tied to a mobile phone carrier. That means you will not be able to just buy the phone and swap your existing sim card into it.

One advantage of the delay is that by the time it reaches Australia any bugs should have been ironed out and hopefully it will have been upgraded to work with our 3G networks.

At present, the US model is only capable to using 2.5G or EDGE networks which provide a slower internet connection. Meanwhile, analysts are expecting the popularity of the iPhone in the US to make it a target for hackers.

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Critics slam iPhone service

Oakland Tribune, Jul 6, 2007 by May Wong, Associated Press

A consumer advocacy group has expressed outrage over Apple Inc.'s battery replacement program for the iPhone, while developers and hackers are trying to figure out ways they could expand the capabilities of the hot new gadget.

The hybrid cell phone, iPod media player and wireless Web- browsing device launched to much fanfare on June 29. On the same day, the Foundation for Taxpayer and Consumer Rights fired off a letter to Apple and AT&T Inc., the cell phone's exclusive carrier, complaining that customers were being left in the dark about the procedure and cost of replacing the gadget's battery.

The iPhone's battery is apparently soldered on inside the device and cannot be swapped out by the owner like most other cell phones.

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Apple spokeswoman Jennifer Hakes said Thursday the Cupertino company posted the battery replacement details on its Web site last Friday after the product went on sale.

Users would have to submit their iPhone to Apple for battery service. The service will cost users \$79, plus \$6.95 for shipping, and will take three business days.

The procedure is similar to the one it has for the company's best- selling iPod players, but because some users will not want to live without their cell phones, Apple is also offering a loaner iPhone for \$29 while the gadget is under repair.

Harvey Rosenfield, founder of the Santa Monica-based consumer watchdog group thatfrom Business 1

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wrote the letter last week, contends the iPhone's battery and repair costs should have been clearly disclosed earlier. The company outlined its cellular service rates and many other features of the iPhone in advance of its launch, which drew snaking lines around stores across the country.

"Some of them might be waking up now," Rosenfield said, "wondering who they got in bed with."

Apple did not have an immediate comment on the consumer group's concerns.

Rosenfield said he didn't detect the battery information, which is located under several layers of links on Apple's support page on its Web site, until earlier this week. Technology blogs also started reporting their discoveries of it this week while one of the questions Wall Street Journal tech columnist Walt Mossberg fielded Thursday from his readers was about what happens when the iPhone battery dies.

"The cell phone industry is notorious for not being consumer-friendly while Apple has a fairly good reputation, so for Apple to stand on a technicality of a hidden disclosure that's going to cost the user as much as 20 percent of the purchase price I think will prove to be a colossal mistake," Rosenfield said.

The iPhone costs \$499 or \$599, depending on the model, and requires a minimum two-year \$60-a-month service plan with AT&T.

The taxpayer and consumer organization has gone to court over these kinds of issues in the past. It is embroiled in a pending lawsuit against Cingular, now part of AT&T, over its service termination fees, and is also one of the plaintiffs in a pending lawsuit against Apple over an early model iPod Nano that was allegedly defective because it scratched easily.

In addition, Rosenfield said, replacing the iPhone battery should be free to begin with while the product is under its one-year warranty.

He also questioned why Apple chose to go against the norm of what cell phone users are accustomed to -- swapping out their own batteries and generally at a cost that is less than half of what Apple is charging now for the iPhone.

"I'm just surprised at Apple's decision to defy the common practice of allowing people to purchase



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replacement batteries," he said. "And the fact that the information is buried is just not appropriate."

Apple has not disclosed how many iPhones were available at launch, though analysts have speculated the amount was 500,000 or more.

San Antonio-based AT&T said the gadget had sold out at most of its stores on the night of the launch while many Apple stores ran out of stock by early this week.

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Meanwhile, software developers anxious to find ways they could introduce applications tailored for the iPhone's Web browser were preparing to get together in San Francisco this weekend at an ad hoc conference called iPhoneDevCamp.

Also, a tech-savvy audience cheered the latest work this week of a hacker known for cracking copy-protection technology and creating workarounds of Apple products.

Jon Lech Johansen, also known as "DVD Jon," posted on his blog Tuesday a method for people to turn on the iPod and WiFi features -- but not the cell phone functions -- of the iPhone without going through the required activation process and service fees of AT&T.

Johansen did not respond Thursday to e-mails seeking comment.

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Apple reveals iPhone battery plan

MAY WONG
ASSOCIATED PRESS
JULY 6, 2007 AT 1:44 PM EDT

SAN JOSE, Calif. — A consumer advocacy group has expressed outrage over Apple Inc.'s battery replacement program for the iPhone, while developers and hackers are trying to figure out ways they could expand the capabilities of the hot new gadget.

The hybrid cellphone, iPod media player and wireless Web-browsing device launched to much fanfare on June 29. On the same day, the Foundation for Consumer and Taxpayer Rights fired off a letter to Apple and AT&T Inc., the cellphone's exclusive carrier, complaining that customers were being left in the dark about the procedure and cost of replacing the gadget's battery.

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Apple spokeswoman Jennifer Hakes said Thursday the company posted the battery replacement details on its website last Friday after the product went on sale.

Users would have to submit their iPhone to Apple for battery service. The service will cost users \$79 (U.S.), plus \$6.95 for shipping, and will take three business days.

The procedure is similar to the one it has for the company's best-selling iPod players, but because some users will not want to live without their cellphones, Apple is also offering a loaner iPhone for \$29 while the gadget is under repair.

Harvey Rosenfield, founder of the Santa Monica, Calif.-based consumer watchdog group that wrote the letter last week, contends the iPhone's battery and repair costs should have been clearly disclosed earlier. The company outlined its cellular service rates and many other features of the iPhone in advance of its launch, which drew snaking lines around stores across the country.

"Some of them might be waking up now," Rosenfield said, "wondering who they got in bed with."

Apple did not have an immediate comment on the consumer group's concerns.

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The iPhone costs \$499 or \$599, depending on the model, and requires a minimum two-year \$60-a-month service plan with AT&T.

The consumer and taxpayer organization has gone to court over these kinds of issues in the past. It is embroiled in a pending lawsuit against Cingular, now part of AT&T, over its service termination fees, and is also one of the plaintiffs in a pending lawsuit against Apple over an early model iPod Nano that was allegedly defective because it scratched easily.

In addition, Rosenfield said, replacing the iPhone battery should be free to begin with while the product is under its one-year warranty.

He also questioned why Apple chose to go against the norm of what cellphone users are accustomed to — swapping out their own batteries and generally at a cost that is less than half of what Apple is charging now for the iPhone.

"I'm just surprised at Apple's decision to defy the common practice of allowing people to purchase replacement batteries," he said. "And the fact that the information is buried is just not appropriate."

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Meanwhile, software developers anxious to find ways they could introduce applications tailored for the iPhone's Web browser were preparing to get together in Silicon Valley this weekend at an ad-hoc conference called iPhoneDevCamp.

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Johansen did not respond Thursday to e-mails seeking comment.

IPHONE

Apple Flamed Over Expensive iPhone Battery Replacement Plan



By May Wong
AP
07/06/07 9:12 AM PT

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A consumer advocacy group has cried foul over Apple's iPhone battery replacement plan, the details of which were revealed after the gadget hit the shelves last week. Changing out the battery, which is soldered into the phone, takes three days and costs \$79, plus \$6.95 in shipping fees.

Can't live that long without your phone? Apple will rent you a loaner -- for another \$29.

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Details Revealed

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Found on Web Site, After Some Digging

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Existing Battles

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Mostly Sold Out

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Monday 30th July 2007

Apple sued over iPhone's sealed battery

9:27AM, Monday 30th July 2007



An unhappy iPhone buyer has filed a class action lawsuit claiming that he was misled by Apple. Jose Trujillo alleges that Apple failed to inform potential customers that the phone's battery was sealed and could only be professionally replaced.

"Unknown to the plaintiff, and undisclosed to the public, prior to purchase, the iPhone is a sealed unit with its [sic] battery soldered on the inside of the device so that it cannot be changed by the owner," the lawsuit, filed in the Cook County, Illinois circuit court, alleges.

Trujillo also claims that the battery will need to be changed frequently.

"The battery enclosed in the iPhone can only be charged approximately 300 times before it will be in need of replacement, necessitating a new battery annually for owners of the iPhone."

The case centres how much information Apple provided about the iPhone battery prior to the handset going on sale on 29 June. As BusinessWeek's Philip Elmer-DeWitt explains, Apple provided clear information about battery performance - including a separate press release detailing improvements that it had made to standby and playback time. But at no time did it explicitly state that the battery was sealed within the device.

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that outside the warranty period it would charge to replace an expired battery.

Trujillo's complaint alleges that this information was not provided until after the iPhone went on sale.

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He says that Apple spokesperson Jennifer Hakes confirmed that "Apple posted the battery replacement program details on its website after the iPhone went on sale".

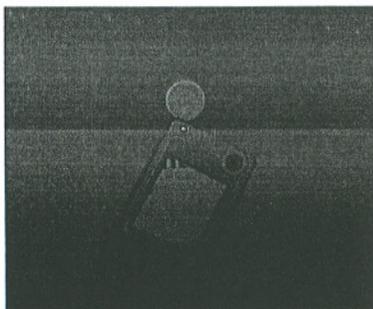
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iPhone designed to milk cash out of its owners through battery replacement program - Foundation for Consumer and Taxpayer Rights upset with AT&T and Apple

Madhu Gandolkar
Jul. 9, 2007

Neither Steve Jobs nor AT&T should have allowed this to happen. iPhone is turning out to be a flop of first degree especially with ethics in selling the same in question.

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Simply put, you need two iPhones to make sure you have a cell phone all the time.

Shame on Apple and AT&T!

TECHNOLOGY ARTICLES

iPhone designed to milk cash out of its owners through battery replacement program - Foundation for Consumer and Taxpayer Rights upset with AT&T and Apple
Madhu Gandolkar

Neither Steve Jobs nor AT&T should have allowed this to happen. iPhone is turning out to be a flop of first degree especially with ethics in selling the same in question.

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Freezing of neutrino oscillations and the Wave-Particle duality at the Planck scale shed new light to the quantum physics of the chilled universe

India Daily Technology Team

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Speed Bumps For The iPhone

July 6, 2007

(CBS/AP) As Apple and its customers work out the speed bumps in what has been one of the most highly anticipated tech product launches in years, software developers are thinking about just one thing: the endless opportunities the iPhone may have for them.

There's no time to waste: software developers anxious to find ways to write and market programs tailored to the iPhone's Web browser will be meeting in San Francisco this weekend – just one week after the launch of the hot new device – at an ad hoc conference called iPhoneDevCamp.

Unlike many high level tech conferences, this one is free – organized by volunteers who say the goal is to bring web designers, developers, testers and iPhone owners together to develop web-based applications and optimize web sites for the iPhone to improve the web experience for iPhone.

Consumer advocates are also focused on improving the user experience for the device, an all-in-one cell phone, iPod media player and wireless Web-browsing device.

The Foundation for Consumer and Taxpayer Rights has sent a letter to Apple and AT&T Inc., the cell phone's exclusive carrier, complaining that customers were being left in the dark about the procedure and cost of replacing the gadget's battery.

The iPhone's battery is apparently soldered on inside the device and cannot be swapped out by the owner like most other cell phones.

Apple spokeswoman Jennifer Hakes said Thursday the company posted the battery replacement details on its Web site last Friday after the product went on sale.

Users would have to submit their iPhone to Apple for battery service. The service will cost users \$79, plus \$6.95 for shipping, and will take three business days.

The procedure is similar to the one it has for the company's best-selling iPod players, but because some users will not want to live without their cell phones, Apple is also offering a loaner iPhone for \$29 while the gadget is under repair.

Harvey Rosenfield, founder of The Foundation for Consumer and Taxpayer Rights, contends the iPhone's battery and repair costs should have been clearly disclosed earlier.

The company outlined its cellular service rates and many other features of the iPhone in advance of its launch, which drew snaking lines around stores across the country.

"Some of them might be waking up now, wondering who they got in bed with," says Rosenfield.

Rosenfield says he didn't detect the battery information, which is located under several layers of links on Apple's support page on its Web site, until earlier this week. Technology blogs also started reporting their discoveries of it this week while one of the questions Wall Street Journal tech columnist Walt Mossberg fielded Thursday from his readers was about what happens when the iPhone battery dies.

"The cell phone industry is notorious for not being consumer-friendly while Apple has a fairly good reputation, so for Apple to stand on a technicality of a hidden disclosure – that's going to cost the user as much as 20 percent of the purchase price – I think will prove to be a colossal mistake," says Rosenfield.

The iPhone costs \$499 or \$599, depending on the model, and requires a minimum two-year \$60-a-month service plan with AT&T.

In a podcast interview with CBS News technology analyst Larry Magid, Rosenfield says the consumer group is also upset by the fact that anyone who decides to return an iPhone must pay a ten percent restocking fee and forfeit their \$39 activation fee.

The Foundation for Consumer and Taxpayer Rights has gone to court over these kinds of issues in the past. It is embroiled in a pending lawsuit against Cingular, now part of AT&T, over its service termination fees, and is also one of the plaintiffs in a pending lawsuit against Apple over an early model iPod Nano that was allegedly defective because it scratched easily.

In the case of the iPhone, Rosenfield argues that replacing the battery should be free to begin with while the product is under

its one-year warranty.

He also questions why Apple chose to go against the norm of what cell phone users are accustomed to – swapping out their own batteries and generally at a cost that is less than half of what Apple is charging now for the iPhone.

"I'm just surprised at Apple's decision to defy the common practice of allowing people to purchase replacement batteries," says Rosenfield. "And the fact that the information is buried is just not appropriate."

Apple has not disclosed how many iPhones were available at launch, though analysts have speculated the amount was 500,000 or more.

AT&T said the gadget had sold out in most of its stores on the night of the launch while many Apple stores ran out of stock by early this week. Those ordering the iPhone online through Apple's Web site on Thursday were being promised delivery would be in two to four weeks.

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Apple offers \$86 iPhone battery replacement program

By AppleInsider Staff

Published: 05:00 PM EST

If your iPhone requires service only because the battery's ability to hold an electrical charge has diminished, Apple will repair your iPhone for a service fee of \$79, plus \$6.95 shipping, the company said Monday.

In a support document published to its website, the Cupertino-based electronics maker suggests that iPhone customers initially follow a series of usage guidelines aimed at optimizing and preserving battery life.

In particular, Apple says iPhone users should make sure they have installed the latest version of iPhone software and that -- like iPods -- they keep the device as close to room temperature as possible.

"Do not leave [iPhone] in a vehicle's interior when parked in the sun," the company said, for instance.

The total cost of the battery repair program with shipping comes out to \$85.95 per unit, but all fees are subject to local tax. Apple adds that the service is subject to its [Repair Terms and Conditions](#), and therefore may not be available if an iPhone has been damaged due to accident or abuse.

Those iPhone customers who eventually opt for the repair service should know that the process will clear all data from their iPhone.

"It is important to sync your iPhone with iTunes to back up your contacts, photos, email account settings, text messages, and more," Apple said. "Apple is not responsible for the loss of information while servicing your iPhone and does not offer any data transfer service."

Apple says the iPhone's battery should last through 300-400 charging cycles before needing a replacement.