



# PUBLIC NOTICE

Federal Communications Commission  
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DA 20-540

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## CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON PETITION FOR EXPEDITED DECLARATORY RULING FILED BY ASSURANCE IQ, LLC

CG Docket No. 02-278

**Comment Date: June 22, 2020**

**Reply Comment Date: July 6, 2020**

With this Public Notice, we seek comment on a petition for expedited declaratory ruling filed by Assurance IQ, LLC.<sup>1</sup> Specifically, the *Petition* requests an expedited declaratory ruling: “(1) confirming that where it is determined that a calling party has sufficient information to establish a ‘reasonable basis to believe that they have valid express consent of the called party to make the call’ the caller may rely on that consent for [Telephone Consumer Protection Act (TCPA)] purposes until such time as the called party claims to the caller that he or she did not provide the consent; and (2) [that] the playing of a brief, prerecorded introductory message on an otherwise live call does not convert the entire call into a prerecorded or artificial call within the scope of the TCPA.”<sup>2</sup>

We seek comment on these and any other issues raised by the *Petition*.

Pursuant to section 1.2 of the Commission’s rules,<sup>3</sup> interested parties may file comments and reply comments on or before the dates indicated above. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.

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<sup>1</sup> *Assurance IQ, LLC Petition for Expedited Declaratory Ruling Regarding the Application of 47 U.S.C. § 227(b)(1) of the Telephone Consumer Protection Act*, CG Docket No. 02-278 (filed May 12, 2020) (*Petition*).

<sup>2</sup> *Petition* at 1. The TCPA is codified at 47 U.S.C. § 227. The Commission’s implementing rules are codified at 47 CFR § 64.1200. Among other things, the TCPA and/or the related rules prohibit making any call to a residential telephone line using an artificial or prerecorded voice without the prior express consent of the called party, with certain enumerated exceptions. 47 U.S.C. § 227(b)(1)(B); 47 CFR § 64.1200(a)(3). The TCPA and the rules also prohibit making a call (other than a call made for emergency purposes, made with the prior express consent of the called party, or subject to certain other exceptions) using an automatic telephone dialing system or an artificial or prerecorded voice to any telephone number assigned to a cellular telephone service. 47 U.S.C. § 227(b)(1)(A)(iii); 47 CFR § 64.1200(a)(1)(iii). If the call “include[s] or introduce[s] an advertisement or constitute[s] telemarketing,” the consent must be in writing. 47 CFR §§ 64.1200(a)(2) – (3).

<sup>3</sup> 47 CFR § 1.2.

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.
- **Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20-304 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.**

*People with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

*Ex Parte Rules.* This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.<sup>4</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation.

If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules.<sup>5</sup> In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf).<sup>6</sup> Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

*Additional Information.* For further information, contact Mika Savir, Consumer Policy Division, Consumer and Governmental Affairs Bureau, at (202) 418-0384 or [mika.savir@fcc.gov](mailto:mika.savir@fcc.gov).

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<sup>4</sup> See 47 CFR §§ 1.1200 *et seq.*

<sup>5</sup> *Id.* § 1.1206(b).

<sup>6</sup> *Id.* § 1.49(f).