



PUBLIC NOTICE

Federal Communications Commission
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DA 20-1120

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CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS TO DETERMINE PARTIES' CONTINUING INTEREST IN SPECIFIC PETITIONS FOR PREEMPTION OF STATE CONSUMER PROTECTION REQUIREMENTS

CG Docket No. 02-278

Deadline for Responses: 45 days after publication in the Federal Register

The Consumer and Governmental Affairs Bureau (Bureau) has pending 10 petitions (Petitions) generally asking the Commission to preempt state protections against unwanted robocalls and faxes.¹ The Petitions were filed between 2003 and 2005, with no advocacy for several years. In addition, the relief the Petitions request appears to be moot or otherwise no longer relevant in light of both federal and state regulatory changes that have occurred since the Petitions were filed.

As part of the Commission's effort to efficiently manage its dockets and resources and reduce backlog,² the Bureau seeks to assess the Petitioners' continuing interests in these Petitions. We, therefore, plan to dismiss the Petitions below with prejudice unless a Petitioner files a letter in the relevant docket within 45 days of the date of Federal Register publication of this Public Notice specifying that it objects to the dismissal of its Petition and the reasons for such objections. Upon release of this Public Notice, the Bureau will send copies to the Petitioners at the last available mailing address associated with the Petition.

These Petitions and related information are provided below:

Petitioner	Petition	Date Filed
Mark Boling	Petition for Declaratory Ruling, CG Docket No. 02-278.	8/11/2003
Direct Marketing Association	Petition for Reconsideration of <i>Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991</i> , CG Docket No. 02-278, Report and Order, 18 FCC Rcd 14014 (2003).	8/25/2003

¹ See 47 U.S.C. § 227. The Petitions are identified in the included chart.

² Cf. *Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization*, GC Docket No. 10-44, Report and Order, 26 FCC Rcd 1594, 1604, paras. 23-24 (2011) (termination of dormant proceedings).

Petitioner	Petition	Date Filed
American Teleservices Association, Inc.	Petition for Declaratory Ruling with Respect to Certain Provisions of the New Jersey Consumer Fraud Act and the New Jersey Administrative Code, CG Docket No. 02-278.	8/24/2004
FreeEats.com Inc. (d/b/a ccAdvertising)	Petition for Expedited Declaratory Ruling, CG Docket No. 02-278.	9/13/2004
Consumer Bankers Association (Indiana)	Petition for Expedited Declaratory Ruling with Respect to Certain Provisions of the Indiana Revised Statutes and Indiana Administrative Code, CG Docket No. 02-278.	11/19/2004
Consumer Bankers Association (Wisconsin)	Petition for Declaratory Ruling with Respect to Certain Provisions of the Wisconsin Statutes and Wisconsin Administrative Code, CG Docket No. 02-278.	11/19/2004
National City Mortgage Co.	Petition for Expedited Declaratory Ruling with Respect to Certain Provisions of the Florida Statutes, CG Docket No. 02-278.	11/22/2004
TSA Stores, Inc.	Petition for Declaratory Ruling with Respect to Certain Provisions of the Florida laws and regulations, CG Docket No. 02-278.	2/1/2005
33 Allied Petitioners	Petition for Declaratory Ruling that the FCC has Exclusive Regulatory Jurisdiction Over Interstate Telemarketing, CG Docket No. 02-278.	4/29/2005
The Fax Ban Coalition	Petition For Declaratory Ruling Of The Fax Ban Coalition, CG Docket No. 02-278.	11/7/2005

Filing Requirements. Pursuant to section 1.419 of the Commission's rules, any Petitioner objecting to the dismissal of its Petition must file a letter stating its objection on or before the date indicated on the first page of this document.³ The letter must reference **CG Docket No. 02-278**, and may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁴

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
 - 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.

³ See 47 CFR § 1.419.

⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- 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>

In addition, Petitioners should send a copy of each letter to:

Kristi Thornton of the Consumer and Governmental Affairs Bureau at Kristi.Thornton@fcc.gov.

Ex Parte Rules. The proceedings this Public Notice initiates shall be treated as “permit-but-disclose” proceedings in accordance with the Commission’s *ex parte* rules.⁵ 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 rule 1.1206(b). In proceedings governed by rule 1.49(f) 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). Participants in these proceedings should familiarize themselves with the Commission’s *ex parte* rules.

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 or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), or 844-432-2275 (videophone).

For further information, please contact Kristi Thornton of the Consumer and Governmental Affairs Bureau at (202) 418-2467 or Kristi.Thornton@fcc.gov.

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⁵ 47 CFR §§ 1.1200 *et seq.*