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COMMITTEE ON ENERGY AND COMMERCE
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October 4, 2018

The Honorable Ajit Pai
Chairman Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

Dear Chairman Pai:

I write to you in support of the Federal Communications Commission's (FCC) recent efforts to crack down on illegal robocalls, enforce a safer and more workable environment for consumers, and seek feedback on key outstanding Telephone Consumer Protection Act (TCPA) issues following the D.C. Circuit ruling that overturned portions of a past overly broad FCC interpretation.

The FCC's past interpretations of the TCPA have resulted in uncertainty about how those calling in good faith can comply with FCC regulations, making it more difficult for consumers to receive the communications they want and need and for legitimate business to understand compliance standards. The legal uncertainty surrounding how consumers receive calls and texts leads to increasing class action litigation that does little to help consumers. The FCC must make it more workable for legitimate businesses to stay in communication with consumers in a timely and effective manner, while continuing its fight to eliminate illegal and fraudulent calls and texts.

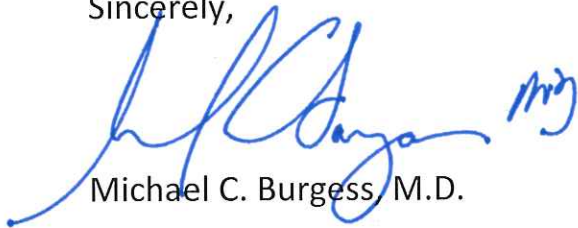
The D.C. Circuit's recent opinion in *ACA International v. FCC* set aside the FCC's overly broad interpretation of what devices qualify as an automatic telephone dialing system (ATDS) as well as the FCC's 2015 approach to the problem of reassigned numbers, including a presumption that a caller will know a number is

reassigned after one attempted call, even if that attempted call is not answered. I urge the FCC to take quick action to clarify these important issues under the TCPA.

It is imperative that the FCC develop an updated TCPA framework that both protects consumers while maintaining the ability of good faith callers to contact customers. This should be consistent with Congressional direction in the 1991 TCPA and reflect emerging technologies that are helping consumers manage calls. The TCPA was not intended to be a barrier to normal communications between businesses and their customers. Under this approach, the FCC should find that only calls made using actual, not theoretical, ATDS capabilities are subject to the TCPA's restrictions.

It is now appropriate for the FCC to clarify and modernize the TCPA and its rules to reflect today's consumer environment. Clear rules will allow the FCC to punish illegal actors, while allowing legitimate businesses calling in good faith to remain in compliance – both positive steps for consumers.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael C. Burgess", with a small "MB" monogram to the right.

Michael C. Burgess, M.D.