

February 12, 2019

Marlene Dortch

Secretary

Federal Communications Commission

445 12th Street, SW

Washington DC 20554

Re: Notice of *Ex Parte* Presentation, CG Docket No. 02-278 & CG Docket No. 18-152

Dear Ms. Dortch:

This *ex parte* relates to a phone call meeting between myself and Micheal Scurata, counsel for Commissioner Starks. During this meeting we discussed the comments NCLC filed on June 13 regarding the impact of the *ACA Int’l* decision on multiple interpretations of the TCPA, available [here](https://ecfsapi.fcc.gov/file/106131272217474/Comments%20on%20Interpretation%20of%20TCPA%20in%20Light%20of%20ACA%20International.pdf.),[[1]](#footnote-1) as well as our reply comments filed on June 28 on the same topic, available [here](https://ecfsapi.fcc.gov/file/10628029912509/Final%20Reply%20Comments.pdf).[[2]](#footnote-2) Additionally, we discussed our comments filed on October 24, 2018 with the FCC, accessible [here](https://ecfsapi.fcc.gov/file/1018245262122/NCLC%20Comments%20on%20Marks%20Decision.pdf),[[3]](#footnote-3) regarding the *Marks* decision by the Ninth Circuit, as well as the *ex parte* that NCLC filed [here](https://ecfsapi.fcc.gov/file/11302498324119/ex%20parte%20on%20smartphones%20-%2011-26-18.pdf), regarding the definition of a an ATDS, and whether it covers smart phones.[[4]](#footnote-4)

If there are any questions, please contact Margot Saunders at the National Consumer Law Center (NCLC), [msaunders@nclc.org](mailto:msaunders@nclc.org) (202 452 6252, extension 104).

This disclosure is made pursuant to 47 C.F.R. § 1.1206. Thank you very much.

Sincerely,

Margot Saunders

Senior Counsel

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1. <https://ecfsapi.fcc.gov/file/106131272217474/Comments%20on%20Interpretation%20of%20TCPA%20in%20Light%20of%20ACA%20International.pdf>. [↑](#footnote-ref-1)
2. <https://ecfsapi.fcc.gov/file/10628029912509/Final%20Reply%20Comments.pdf> [↑](#footnote-ref-2)
3. <https://ecfsapi.fcc.gov/file/1018245262122/NCLC%20Comments%20on%20Marks%20Decision.pdf> [↑](#footnote-ref-3)
4. <https://ecfsapi.fcc.gov/file/11302498324119/ex%20parte%20on%20smartphones%20-%2011-26-18.pdf> [↑](#footnote-ref-4)