



**COALITION
OF
HIGHER
EDUCATION
ASSISTANCE
ORGANIZATIONS**

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Federal Communications Commission
Office of the Secretary

May 21, 1992

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Ms. Searcy:

The Coalition of Higher Education Assistance Organizations (COHEAO) is writing at this time to provide comment on the Notice of Proposed Rulemaking required by the passage of the Telephone Consumer Protection Act of 1991 which was adopted by the Commission on April 10, 1992, cc Docket No. 92-90.

COHEAO is a membership organization of Higher Education institutions and commercial entities with a specific interest in the provisions of the Telephone Consumer Protection Act as they apply to Perkins Student Loan debt collection activities. As directed under Section 227 (b) (2) (B) of the Act, the Commission has tentatively recommended that certain categories of calls be exempted from the prohibition on the use of autodialing equipment. COHEAO agrees with the Commission's view that debt collection calls represent a non-telemarketing use of auto dialers and therefore were not intended to be prohibited by the TCPA.

COHEAO also agrees with the Commission's view that in debt collection activities, a prior or existing business relationship has indeed been established between the called party and the calling party or their agent. Such calls, though commercial in nature, do not present an invasion of privacy because they do not involve solicitations.

As the Commission is aware, debt collection calls often use an artificial or prerecorded voice system. As the statute mandates, the Commission has prescribed technical and procedural standards for such systems. COHEAO is concerned that requirements of the Fair Debt Collection Practices Act stand in conflict with the recommended standards under the TCPA which direct the debt collector to identify the name of their business and nature of their call at the beginning of the prerecorded message. COHEAO

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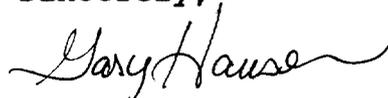
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recommends that the FCC resolve this apparent conflict.

A second issue of concern is the provision which makes it unlawful to use autodialing equipment to call emergency numbers. COHEAO agrees with the intent of this prohibition but concerns have been raised about the determination of liability or the imposition of fines where the party placing the call received the number from the debtor and was unaware that the location was in fact a so-called emergency facility. COHEAO believes that further guidance or clarification should be provided by the FCC to address these and similar circumstances.

COHEAO appreciates having the opportunity to comment on the NPRM on the Telephone Consumer Protection Act issued by the FCC. In summary, we believe the NPRM strikes the right balance between the legitimate privacy concerns of the public and the need to allow the market place to benefit from important technological advances. It is our view that the issues we have raised are easily resolvable and that the FCC has fairly addressed the applicability of the TCPA to debt collection activities.

Sincerely,



Gary Hauser
President