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309 South Fourth Street  
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Columbus, Ohio 43266-0610

**OSLC**



Ohio Student Loan Commission

Federal Communications Commission  
Office of the Secretary

614/466-8716

May 22, 1992

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Office of the Secretary  
Federal Communications Commission, Room 222  
1919 M Street, NW,  
Washington, D.C. 20554

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FCC MAIL BRANCH

Dear Mr. Secretary:

I am writing on behalf of the Ohio Student Loan Commission (OSLC) regarding **CC Docket No. 92-90; FCC 92-176**, the Telephone Consumer Protection Act of 1991 (TCPA). OSLC supports several of the provisions of this NPRM as they relate to legitimate debt collection activities using automatic telephone dialing systems. OSLC supports the following interpretations:

1. OSLC agrees that **debt collection calls do not offer products or services and therefore are not covered by the prohibition against telemarketers in the TCPA.** The use of auto dialers in debt collection increases the efficiency of the collector and is beneficial to the party called.
2. OSLC also supports the interpretation by the FCC that **debt collection calls represent a prior or existing business relationship between the caller and the called party, and are similarly exempt from the prohibitions of the TCPA.** Borrowers in the guaranteed student loan program agree to repayment terms by signing a promissory prior to receiving loan proceeds. Debt collection calls, either by OSLC or professional collection agencies on our behalf represent a continuation of the business relationship by enforcing the terms of the contract.
3. OSLC supports the **distinction between calls made by a live caller from those made with an artificial voice or prerecorded message.** The prohibition in the TCPA exempts the calls or portions of calls that are performed by a live representative of the company. Debt collection frequently involves making customized arrangements based upon each borrower's circumstances and prerecorded messages as a primary collection method could not achieve this.

While OSLC supports the provisions of FCC 92-176 that wholly or partly exempt debt collection calls from the prohibitions of the TCPA, **we also support a separate exemption for this activity.** A separate exemption would prevent future reinterpretations of the rules from making legitimate debt collection activity using autodialers a prohibited activity.

Thank you for your consideration of our comments.

Sincerely,

JAMES S. BIDDLE  
Executive Director

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JSB/me