

October 26, 2018

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 call between myself and Travis Littman of Commissioner Rosenworcel’s office on October 26, 2018. During this call we discussed the comments, NCLC filed on October 24, 2018 with the FCC, accessible [here](https://ecfsapi.fcc.gov/file/1018245262122/NCLC%20Comments%20on%20Marks%20Decision.pdf).[[1]](#footnote-1) We also clarified two additional points:

1. The definition of an ATDS in the TCPA requires that the system in question *dials* the numbers automatically.
2. The actual use of each function in a smartphone determines whether that particular function is an ATDS.

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/1018245262122/NCLC%20Comments%20on%20Marks%20Decision.pdf [↑](#footnote-ref-1)