

MEMORANDUM OF EX PARTE COMMUNICATION

DOCKET: CG 18-152; CG 02-278

DATE OF EX PARTE COMMUNICATION: May 14, 2018

SUBJECT: Telephone Consumer Protection Act, 47 U.S.C. § 227

PARTICIPANTS:

FCC:

Ajit Pai, FCC Chairman

Nirali Patel, Special Counsel

NAFCU:

Dan Berger, President & CEO

Carrie Hunt, Executive Vice President of Government Affairs & General Counsel

Ann Kossachev, Regulatory Affairs Counsel

MEMO PREPARED BY: Ann Kossachev, Regulatory Affairs Counsel, NAFCU

NAFCU requested a meeting with Chairman Pai to discuss the Telephone Consumer Protection Act (TCPA) and the Commission's approach to rulemaking following the D.C. Circuit Court's decision in *ACA International v. FCC*. NAFCU informed the Chairman that credit unions are still struggling to establish communication with their members for fear of violating the TCPA. NAFCU advocated in support of its recent petition, filed by the U.S. Chamber Institute for Legal Reform on May 3, 2018, regarding the definition of "capacity" as it applies to "autodialer." NAFCU also discussed the definition of "called party" as it applies to reassigned numbers and the Commission's efforts to establish a reassigned numbers database. Approaches to the issue of revocation of consent were also discussed. Finally, NAFCU reiterated its previous request for an expanded data security and fraud exception for credit unions trying to contact their members following a data breach.