

May 20, 2019

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Presentation
CG Docket Nos. 02-278, 18-152**

Dear Ms. Dortch:

On May 16, 2019, the following individuals met with Matthew Berry, Nick Degani, and Zenji Nakazawa from Chairman Pai's office to discuss the importance of prompt Commission action on pending Telephone Consumer Protection Act issues in the wake of the D.C. Circuit's ruling in *ACA International*, decided more than a year ago:¹ Yaron Dori, on behalf of Portfolio Recovery Associates, LLC; Shay Dvoretzky, on behalf of Sirius XM Radio Inc.; and the undersigned, representing the American Association of Healthcare Administrative Management ("AAHAM").

We explained that prompt Commission action will provide important guidance to reviewing courts and provide businesses with the clarifications needed to support lawful calls and text messages without facing inappropriate and often frivolous legal actions.

We also explained that, when providing such guidance, the Commission should distinguish between unlawful robocalls such as scam and fraud calls, which appear to be a main source of consumer frustration, and otherwise lawful calls transmitted through automated or other means, which includes many calls that consumers want. The participants explained that the Commission could support efforts to target unlawful scam and fraud calls by, for example: (1) adding transparency to the agency's complaint database, so as to make clearer the percentage of complaints that pertain to fraud and scam robocalls; (2) establishing a dedicated team in the Enforcement Bureau to target such robocalls; and (3) developing new regulations designed to address scam and fraud robocalls pursuant to the authority set forth in Section 227(d)(3) of the Communications Act, as amended.²

¹ See *ACA International, et al. v. FCC, et al.*, No. 15-1211 (D.C. Cir. Mar. 16, 2018).

² 47 U.S.C. § 227(d)(3).

Pursuant to Section 1.1206(b)(2) of the Commission's rules, an electronic copy of this letter is being filed in the above-referenced dockets. Please direct any questions regarding this filing to the undersigned.

Respectfully Submitted,

/s/ Mark W. Brennan

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cc: Matthew Berry
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Zenji Nakazawa