

May 30, 2019

Federal Communications Commission
Commission's Secretary, Office of the Secretary
445 12th Street, SW
Washington, DC 20554

RE: Draft Declaratory Ruling

Dear Ladies and Gentlemen of the FCC,

I am writing on behalf of Orange County's Credit Union, which serves Orange, Riverside, and Los Angeles Counties in California. We have 106,662 members and \$1.7 Billion in assets. OCCU respectfully submits the following comments to the Federal Communications Commission (FCC) on its draft Declaratory Ruling (Ruling) and Third Further Notice of Proposed Rulemaking (FNPRM) regarding "Advanced Methods to Target and Eliminate Unlawful Robocalls" (CG Docket No. 17-59, WC Docket No. 17-97). Our credit union has serious concerns regarding the impact the FCC's draft Ruling could have on our ability to communicate critical information to our member-owners.

We are concerned the FCC's draft Ruling conflicts with the encouragement the Consumer Financial Protection Bureau (CFPB), National Credit Union Administration (NCUA) and other financial regulators have given financial institutions to use modern communication methods to provide time-sensitive account information to members.

The draft Ruling will erode our credit union's ability to relay information and delay the implementation of consumer protections regarding fraud, privacy, and account activity.

As a result, the draft Ruling could not only potentially endanger consumers' financial well-being, but also put at risk and discredit sound credit union practices.

Credit union members own their credit union. Therefore, they need and expect to receive calls and texts from the credit union. These communications contain critical information, such as fraud alerts, account alerts, and pertinent account status alerts.

While we support efforts to reduce illegal robocalls, we have significant concerns that the action the FCC intends to take is overly broad and could have a significant adverse impact on the ability of credit unions and other financial service providers to communicate with their members and customers. Actions that diminish our ability to connect with our members only hamper our ability to keep them abreast of pertinent account details and developments.

Further, neither the credit union nor credit union members will know when calls are blocked. A possible result being that credit union members may face costly charges in the form of general liability for fraud charges and for debit account fraud not identified within the first 60 days. This cost could extend to the full amount of any fraud identified thereafter.

The FCC should do more to distinguish between illegal callers and calls from legitimate businesses with pre-existing relationships.

Today, consumers can opt-in to call blocking services. The FCC intends to reverse this practice and allow consumers to opt-out. Part of the justification for the Ruling is consumers were not aware of their right

to opt-in and so few did; however, if consumers did not have enough information to know their right to opt-in, it is unlikely they will have enough information to know their right to opt-out.

We are concerned that consumers will have insufficient information regarding the consequences of blocking all calls except those on their personal white list or contact list. For example, members who have applied for loans and need follow up communication may not receive them if the loan officers' numbers are not stored in their phones. This would effectively block credit union calls from reaching members that have opted-in. Additionally, it could also complicate credit unions' collection efforts, by delaying borrower's ability to get critical information and subjecting them to adverse credit reporting. This could affect their financial well-being and impede their ability to borrow in the future.

The FCC's Ruling would become effective upon adoption. Given these significant concerns, we strongly urge the FCC take more time to consider stakeholder comments and the potential unintended consequences.

Thank you for the opportunity to comment on the draft Ruling and for considering our views.

Sincerely,

Donald Carazo
Vice President Member Services
Orange County's Credit Union

CC: CCUL