

May 30, 2019

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

RE: Draft Declaratory Ruling on Advanced Methods to Target and Eliminate Unlawful Robocalls;
CG Docket No. 17-59 and WC Docket No. 17-97

Dear Sir or Madam,

I am writing on behalf of the California and Nevada Credit Union Leagues (Leagues), one of the largest state trade associations for credit unions in the United States, representing the interests of more than 260 credit unions and their approximately 10.7 million members.

The Leagues respectfully submit 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). The Leagues have serious concerns regarding the impact the FCC's draft Ruling could have on the ability of credit unions to communicate critical information to their 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 further erode the ability of credit unions to relay information on and implement 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 safe and sound credit union practices.

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

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.

Further, neither the credit union nor credit union members will know when calls are blocked. As a result, credit union members may face costly charges in the form of general liability for fraud charges ranging from \$0 to \$500 for debit account fraud identified within the first 60 days to the full amount of any fraud identified thereafter; \$50 for each instance of credit-card fraud; and account overdraft fees or over-the-limit fees based on their credit limits.

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 contacts list. For example, members who applied for loans and need to be called by loan officers may not have those loan officers' numbers stored in their phones. This would effectively block credit union calls from reaching members. It could also complicate credit unions' collection efforts, which could delay borrowers getting critical information and subjecting them to adverse credit reporting.

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 potential unintended consequences.***

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

Sincerely,

Diana R. Dykstra
President and CEO
California and Nevada Credit Union Leagues