



*Submitted Via Electronic Filing*

June 7, 2018

The Honorable Chairman Ajit Pai  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: Advanced Methods to Target and Eliminate Unlawful Robocalls  
CG Docket No. 17-59

Dear Chairman Pai:

On behalf of Ohio's 276 credit unions and their nearly three million members, the Ohio Credit Union League (OCUL) is responding to the Federal Communications Commission request for comment entitled Advanced Methods to Target and Eliminate Unlawful Robocalls under the Telephone Consumer Protection Act (TCPA).

Ohio credit unions are democratically operated financial cooperatives whose mission is to provide affordable, consumer-friendly products and timely, sensitive financial information to their members. Ohio credit unions serve a wide array of members: military service personnel and their families, state employees, religious groups, individuals and families of modest means, and students, among many other groups. As such, credit unions seek to communicate pertinent information to their members about fraud, theft, financial health, account services, and other financial items. Like the FCC, OCUL and its member credit unions see the harm that abusive and unwanted robocalls can cause. In fact, these unlawful robocalls interfere with legitimate, business communications between credit unions and their members. However despite the TCPA's intended purpose, the overly broad regulatory environment of the TCPA has inhibited legitimate communications and has not effectively curbed robocalls.

#### **Treatment of Reassigned Wireless Numbers Under TCPA**

As the FCC continues to explore the possibility of a reassigned numbers database, OCUL urges the Commission to focus on the following principles:

- The benefit of a reassigned numbers database must outweigh any associated monetary costs, increase in regulatory burden, and operational challenges.
- A reassigned numbers database should have adequate privacy protection measures.
- A safe harbor must be associated with the use of a reassigned numbers database to protect legitimate business communications from unfair and potentially exorbitant liability that is associated with inadvertently dialing a reassigned number.

The FCC is considering the feasibility of a reassigned numbers database and evaluating various ways to implement such a database. Generally, OCUL supports the idea of the FCC creating and maintaining a reassigned numbers database. When a number is provided by a party who had given prior express consent and then the number is reassigned to a new user (an unintended recipient) who had not given consent, liability would unjustly penalize the caller. Often times, individuals change their numbers without notifying the caller. Good faith errors, such as incorrect entry of a number, may also occur. OCUL believes a database may eliminate some of these inadvertent errors made by good faith actors. Such a database has the potential to benefit both consumers (called parties) and companies (callers) by





providing all interested parties with updated information on suspended, terminated, and reassigned numbers which would ultimately aim to reduce calls made in error.

However, OCUL is concerned with whether the benefit would outweigh the monetary costs and regulatory burden associated with this new endeavor. Access to the database must be affordable. This is particularly important for smaller financial institutions, such as most credit unions, that suffer disparate impact from the cost and burden of regulations. Any potential fee structure for access should consider the needs of the organization conducting business on a regional, state, or local level. The FCC should also provide free access to any reassigned numbers database to the same extent that free access is provided to the national "Do Not Call" registry.

All voice providers with access to numbers, not just wireless companies, should be required to report reassigned number information. Service providers should update the database in real time whenever a number is disconnected and classified appropriately pursuant to the FCC's numbering rules. Further, the database should include the reporting dates for when a number is disconnected or reassigned.

A safe harbor should be tailored to the database. It is unrealistic to expect companies (especially financial institutions who must communicate fraud concerns, items of financial health, and other financial services in a timely expedient manner) to run a number against a reassigned numbers database before *every* call is made. That would exponentially increase operational cost and decrease timeliness of communications. Rather, a safe harbor should be based on a documented yearly query processed against the reassigned number database. As an example, a credit union would have a membership list containing names and contact numbers. If the query did not produce any hits from the database that any numbers were suspended, terminated, or reassigned, the credit union could call those members and receive a 12-month safe harbor. This safe harbor could be predicated on the requirement that a financial institution still must comply with any proper revocation initiated by an individual member.

Ultimately, a reassigned numbers database is not the most appropriate or effective safeguard for legitimate business communications from the unfair and potentially exorbitant liability that is associated with inadvertently dialing a reassigned number. While the recent court case *ACA Int'l v. FCC* and this Further Notice of Proposed Rule Making is auspicious, to truly correct the deficiencies within the TCPA rules, the FCC must address the entire 2015 Omnibus Order. For further comment on the court's ruling in *ACA Int'l v. FCC* and the entire omnibus order, OCUL submitted comments which can be found in CG Dockets No. 18-152 and No. 02-278.

Thank you for your careful consideration and for the opportunity to express these views to the FCC. Should you have any questions regarding our comments, please feel free to contact us at 1-800-486-2917.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Mercer'.

Paul Mercer  
President

A handwritten signature in black ink, appearing to read 'Miriah Lee'.

Miriah Lee  
Regulatory Counsel

