

# Quicken Loans®

June 6, 2018

Federal Communications Commission  
Commission's Secretary  
445 12<sup>th</sup> St. SW  
Room TW-A325  
Washington, DC 20554

**Re:** *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59

To Whom It May Concern:

Quicken Loans is pleased to submit its comments on the *Notice of Proposed Rulemaking ("NPRM") on Advanced Methods to Target and Eliminate Unlawful Robocalls*.<sup>1</sup> We appreciate the Federal Communications Commission's ("FCC" and "Commission") leadership in exploring efforts to combat unwanted calls to reassigned phone numbers.

## **BACKGROUND**

As background, Detroit-based Quicken Loans is the nation's largest home mortgage lender. The company closed more than \$400 billion of mortgage volume across all 50 states from 2013 through 2017. Quicken Loans moved its headquarters to downtown Detroit in 2010. Today, Quicken Loans and its Family of Companies employ more than 17,000 full-time team members in Detroit's urban core. The company generates loan production from web centers located in Detroit, Cleveland and Phoenix. Quicken Loans also operates a centralized loan processing facility in Detroit, as well as its San Diego-based One Reverse Mortgage unit. Quicken Loans ranked highest in the country for customer satisfaction for primary mortgage origination by J.D. Power for the past eight consecutive years, 2010 – 2017, and also ranked highest in the country for customer satisfaction among all mortgage servicers the past four consecutive years, 2014 – 2017.

Quicken Loans was once again named to FORTUNE magazine's "100 Best Companies to Work For" list in 2018 and has been included in the magazine's top 1/3rd of companies named to the list for the past 15 consecutive years. The company was also named the #1 place to work in technology in 2017 by Computerworld magazine's "100 Best Places to Work in IT," a recognition it has received 8 times in the past 12 years.

---

<sup>1</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls*, FCC 18-31, CG Docket No. 17-59, FCC (2018)

## **COMMENTS**

As referenced in the NPRM, about 35 million phone numbers are reassigned each year,<sup>2</sup> and even with the sheer volume of changed numbers, no agency or organization keeps a single, comprehensive database. For businesses trying to contact consumers, outreach continues to be a risk as it is unclear to know if a call violates the Telephone Consumer Protection Act ("TCPA").<sup>3</sup>

Currently, it is impossible for businesses to know whether the number they are calling has been reassigned. In most cases, the business has a bona fide belief that the number belongs to the person who provided it. Because of this, we also urge the FCC to also provide a clear definition of "called party" in the TCPA. The definition should include the "intended recipient of a call" to provide a bright-line for businesses reaching out to provide consumer-wanted services.

As the FCC considers TCPA rulemaking, we support efforts to create a single reassigned number database; urge the FCC to incorporate a safe harbor for businesses; and believe the FCC has the legal authority to make regulatory reforms.

### *Creating a Reassigned Number Database*

We appreciate the FCC's continued discussion of creation of a reassigned number database. We ask the FCC to consider the following:

- The database must be comprehensive and timely. It would require input from all parties in real-time; otherwise, the data set would be incomplete and constantly out of date. Also, interested parties should expect the database to be sufficiently comprehensive to avoid relying on relying on any other databases.
- The database should specify whether the number has been reassigned since the date initially indicated.
- Only a "yes" or "no" response on if the number has been reassigned is needed.
- Businesses or callers should be provided information when the North American Numbering Plan ("NANP") numbers are disconnected.
- Information on when a number has been disconnected will best allow callers to identify, at the earliest possible point, when a subscriber can no longer be reached at that number.
- Cost to access the database should include a yearly fee for unlimited access unless the cost per inquiry is low.

---

<sup>2</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Second Notice of Inquiry, 32 FCC Red 6007, 6009, para. 5 (2017); North American Numbering Plan Administrator Number Resource Utilization/Forecast Reports.

<sup>3</sup> The Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, 47 U.S.C.227

### *The Need for a Safe Harbor*

We urge the FCC to adopt a safe harbor for legitimate business outreach to consumers for reassigned phone numbers. The safe harbor would include a “good faith” belief from businesses checking the database. As the FCC creates the database, an interim safe harbor should be established for utilizing and checking currently technology solutions and practices to give businesses peace of mind for consumer outreach.

### *FCC Authority*

We believe the FCC has been given authority to create a reassigned phone number database and create a safe harbor. Congress gave the FCC authority over rulemaking for the entire TCPA, and the DC Circuit Court of Appeals did not indicate otherwise in the *ACA Int'l, et al. v. Federal Communications Commission* case final decision.<sup>4</sup> Specifically, the court said the safe harbor was part of designing a regime to avoid the problems of the 2015 ruling.<sup>5</sup>

### **Conclusion**

We appreciate the opportunity to comment on the proposed rulemaking and urge the Commission to review other areas of the TCPA in need of reform. We look forward to a continued dialogue with the FCC as it examines how to stop bad actors and calls that harm the consumer and hurt business communications. Should you have any further questions, please contact me at garyweingarden@quickenloans.com or 313-373-4554.



Gary Weingarden  
Senior Counsel  
Quicken Loans Inc.

---

<sup>4</sup> *ACA Int'l et al. v. Federal Communications Commission*, Case No. 15-1211, (DC Cir. Mar. 16, 2018).

<sup>5</sup> See *ACA Int'l v. FCC*