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FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of Rules and Regulations)
Implementing the)
Telephone Consumer Protection Act and) **CG Docket No. 02-278**
Interpretations in Light of the D.C.)
Circuit's ACA International Decision)

**Comments of
The Law Offices of Craig B. Friedberg, Esq.**

Written By:
Craig B. Friedberg, Esq.
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I am a consumer protection attorney in Nevada. Over the last year, I have received countless complaints by individuals and small businesses who are harassed incessantly by telemarketers and robo-calls to their mobile phones. Each month seems to bring more calls than the prior month. FTC enforcement has done nothing to stem the flow of calls. We need robust consumer protections and remedies, particularly those in the TCPA, via individual and class action lawsuits, to incentivize these callers to comply with telemarketing restrictions found in the TCPA.

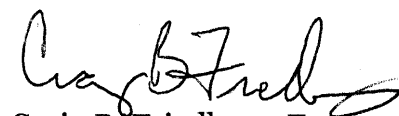
To that end, I submit that the FTC needs to interpret an ATDS broadly, and not give in to industry demands that the definition of an ATDS be narrowly construed, such that it would not apply to many of the devices used currently to inundate consumers and small businesses with unwanted calls. Specifically, an ATDS should mean any device that dials numbers from a stored list-regardless of whether it generates those numbers; and should include the generation and dialing of numbers in any sequence, including a sequence selected from a list. There certainly can be a specific carve-out for the ordinary use of a smartphone (but not if the caller downloads an automated dialing system application to the smartphone, which, in essence, turns the smartphone into an commercial autodialer).

In addition, the FTC should rule that the "clicker systems," which require that a human click a button over and over again to launch calls and that an actual human agent will get involved only if the called party answers, ***DO VIOLATE*** the TCPA.

Lastly, I submit that businesses should not be allowed to refuse to designate clearly defined and easy to use methods for anyone being called to revoke any prior consent that may have been given to receive robocalls.

I appreciate the opportunity to present my thoughts on these very important matters.

Sincerely,


Craig B. Friedberg, Esq.