

June 26, 2018

Via Online Submission

Re: Proceeding 02-278 Telephone Consumer Protection Act

Dear Ms. Dortch,

We are consumer protection attorneys based out of Indianapolis, Indiana. Over the past several years we have represented numerous low income consumers against debt collectors and creditors around the country for federal regulatory violations. In my several years of experience I have encountered scores of vulnerable consumers who are harassed by creditors and debt collectors via incessant automated calls. After litigating tens if not over a hundred TCPA cases and speaking with hundreds of effected consumers I feel confident in asserting that:

1. Many creditors and debt collectors understand and hope that subjecting consumers to relentless harassment will yield higher collections. In essence, “the creditor or debt collector that calls the most gets paid first”.
2. In many instances the creditors and debt collectors have employees whose bonuses and compensation is tied to their individual or collective performances. The employees and their teams are incentivized and pressured to meet collection goals. In their pursuit to meet these personal and corporate goals, employees blatantly disregard cease and desist requests from consumers. Such conduct is not simply the act of a rogue employee but rather collectively endorsed by management who often turn a blind eye. The management ensures that there is no consistent policy to avoid liability under class actions but are fully aware of and complicit in these blatant violations of TCPA.

The TCPA provides the best recourse available to these low income families who are consistently harassed by creditors and debt collectors. The corporate indifference to existing laws should not be rewarded with less regulation but by mandating stricter compliance. We at Saeed & Little, LLP have heard countless stories of single working mothers who were relentlessly harassed by creditors and would consequently be reprimanded by their supervisors for receiving and/or attending calls at their work place. These women could not cut off their only means communication with their young kids by leaving their cell phone in their cars or turning their phones off. Similarly they could also not screen the calls because the creditors would call them using different local numbers. We have also heard countless stories from individuals who used their cell phones for

work but were constantly interrupted during the day by collection calls. Again, these individuals couldn't shut their phones off or change their numbers without detrimentally impacting their business. These are average Americans, many of whom face financial duress despite working tirelessly with no real chance at social mobility. Their circumstances were often a product of events far beyond their control and TCPA provides them the necessary recourse against undeserved harassment.

I will end this letter by briefly narrating the story Margaret Lovick, a Saeed & Little, LLP client. Ms. Lovick's case best encapsulates why the FCC should not move to render the TCPA toothless and ineffective. In the span of 22 days between 11/1/2017 and 11/22/2017 Ms. Lovick received 347 calls from Credit One Bank. On 11/21/2017 and 11/22/2017 alone, Ms. Lovick received 71 Collection Calls on her Cell Phone. I will purposefully exclude the heart wrenching details of her experience and how the harassment impacted her life. I exclude these details because Ms. Lovick injuries shouldn't be a gauge of Credit One's culpability and because no consumer regardless of the fall out deserves to be harassed in this fashion. The consumers need FCC to be in their corner! I would urge the FCC to: (1) maintain a definition of ATDS that will actually mean something in this day and age where technology is constantly evolving; (2) ensure that creditors and debt collectors cannot side step liability by including 'consent' language in the fine print of adhesive customer agreements; and (3) not shield creditors and debt collectors from liability for 'wrong number' or 'reassigned number' calls,

Respectfully,

s/Syed Ali Saeed  
Syed ali Saeed, Esq.