

**Before the  
Federal Communications Commission  
Washington, DC 20554**

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|---|------------------------|
| In the Matter of                          | )                      |
| Rules and Regulations Implementing the    | ) CG Docket No. 02-278 |
| Telephone Consumer Protection Act of 1991 | ) CG Docket No. 18-152 |

On behalf of College Foundation, Inc., I am writing to express our support for the comments submitted by the National Council of Higher Education Resources (NCHER) in response to the public notice request released on May 14, 2018 (the "Public Notice") asking for comments on interpretation of the Telephone Consumer Protection Act ("TCPA"), in light of the DC Circuit's ACA International decision.

College Foundation, Inc. (the "Foundation") is an NCHER member and a 501(c)(3) nonprofit corporation, chartered in 1955 by the Governor of the State of North Carolina and two other State officials for the purpose of assisting students in defraying their education expenses in attending eligible education institutions. As agent and independent contractor for the State instrumentality known as the State Education Assistance Authority, the Foundation has served as the central loan originator and continues to serve as the servicer for the NC Federal Family Education Loan Program ("NCFFELP"). The Foundation has served as an "eligible lender" pursuant to 435(d)(1)(D) of the Higher Education Act since enactment. The Foundation acts for the State Education Assistance Authority in servicing and administering certain aspects of the NCFFELP loan portfolio. To accomplish the Foundation's goals in servicing and collecting federal student loan debt, the Foundation provides, among many resources, call centers and telephone counseling to borrowers to assist them in utilizing all of the available options, including multiple payment plans, deferment options and forbearance assistance, to avoid becoming delinquent in repayment.

A series of interpretive rulings by the FCC and the courts have created unnecessary barriers for federal and private loan service providers as they attempt to help student and parent borrowers repay their postsecondary education obligations.

The Foundation supports NCHER's comments which focus on the impact to student and parent borrowers and their families, and the collection of education loans owed to or guaranteed by the United States.

Specifically, the Foundation supports the following comments and recommendations made by NCHER:

Background:

- Multiple options for deferment and forbearance and nine complex student loan repayment programs are available to many borrowers, but servicers must be able to communicate these options to the eligible borrowers.
- Live communication with the borrower via the borrower's cell phone (more often their *only* phone) is essential to resolve delinquencies and prevent default on student loans, often utilizing one of the repayment, deferment, or forbearance options available.
- A reasonable number of call attempts are necessary to reach a borrower and work through a beneficial resolution. The FCC's proposed rule to limit the calls to three per month per delinquency and only after delinquency has occurred is simply unreasonable.

- Borrowers of private education loans would also benefit from live communications to review repayment options and loan rehabilitation. They should receive the same service as borrowers of federal loans.

#### Responses to Specific Requests for Comment:

##### A. What is an Autodialer?

- To qualify as an Autodialer, equipment must be able to 1) store or produce numbers to be called using a random or sequential number generator, *and* 2) be able to dial those numbers without human intervention.
- These functions must *actually be present* in a device at the time the call is made, not merely exist a potential capability in the equipment.
- Calls made using non-Autodialer equipment should not be covered by TCPA restrictions.

##### B. Calls to Reassigned Numbers

- The “one-call safe harbor” is insufficient and unrealistic.
- Callers should be able to follow a “reasonable-reliance approach,” relying on prior provided consent until live contact is made.
- In the alternative, the FCC should adopt a safe harbor rule allowing a reasonable number of calls to reassigned numbers, based on research identifying an empirically-based number of call attempts needed to make live contact.
- A mechanism or database should be established to track reassigned numbers, and callers should be entitled to a safe harbor from liability for calls as long as they have checked the database with reasonable frequency.

##### C. Revocation of Consent to be Called

- Clarity and reasonableness should be applied to the FCC’s interpretation of revocation of prior consent.
- Sufficient provision of a reasonable means of consent could include establishing multiple methods for a called party to revoke consent and listing some options, such as:
  - Establishment of a dedicated toll free line to call and leave a message;
  - Establishment of a dedicated email address; or
  - Allowing a called party to click on a link on the caller’s website.
- The methods listed above would require that the party seeking to revoke consent provide sufficient information to identify themselves and each of the accounts involved.
- Currently, oral revocations often do not provide sufficient information and are a common area of abuse.

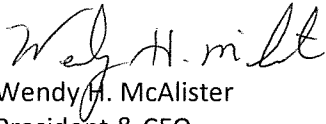
##### D. Protection for Federal Services and Collectors of Federally-Owned and –Guaranteed Debt

- We support the Broadnet Ruling. Federal government contractors are not “persons” under the TCPA and the FCC may grant them immunity from liability.
- We support the Petition for Reconsideration filed by Great Lakes Higher Education Corp, et al. regarding the 2016 Federal Debt Rules.
  - It is in the public interest to exempt from the TCPA calls made “solely to collect a debt owed to or guaranteed by the United States.”
  - The three-call attempt per thirty-day limit in the 2016 Federal Debt rules and the one-call attempt limit for reassigned numbers is so restrictive that it thwarts the intent of Congress and renders the language in the Bipartisan Budget Act of 2015 meaningless.

The TCPA was enacted several years ago to stop abusive telemarketing, but its implementation has become a barrier that prevents loan servicers from making informational and assistive calls to borrowers. Borrowers want and need timely and accurate information to better manage their student loan debt and avoid delinquency and default, and to rehabilitate loans that have defaulted. They often are not aware of important options available to them.

Thank you for the opportunity to provide comments on the interpretation of the TCPA in light of the DC Circuit's ACA International Decision. College Foundation, Inc. urges the Commission to fully consider the comments and recommendations made by NCHER on behalf of its members.

Sincerely,

A handwritten signature in black ink, appearing to read "Wendy H. McAlister". The signature is fluid and cursive, with the first name "Wendy" being the most prominent part.

Wendy H. McAlister  
President & CEO

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