

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Rules and Regulations)	
Implementing the)	CG Docket No. 02-278
Telephone Consumer Protection Act and)	CG Docket No. 18-152
Interpretations in Light of the)	
D.C. Circuit’s ACA International Decision)	

COMMENTS OF DANIEL A. EDELMAN

I submit these comments in my professional capacity as an attorney for consumers who are frustrated and annoyed by receiving unsolicited, automated calls from companies who ignore and/or evade the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”).

Congress enacted the TCPA because it found (1) that consumers were fed up with “nuisance” telemarketing calls, (2) that “[u]nrestricted telemarketing . . . can be an intrusive invasion of privacy”, and (3) that public safety is put at risk “when a telemarketer ties up an emergency or medical assistance telephone line with a telemarketing call.” *Congressional Findings* 5-6, Act Dec. 20, 1991, P.L. 102-243, § 2, 105 Stat. 2394. Congress also found that “the only effective means” of protecting consumers from telemarketers was to ban “automated or prerecorded telephone calls to the home, except when the *receiving party* consents to receiving the call or when such calls are necessary in an emergency situation affecting the health and safety of the consumer.” *Congressional Findings* 12, Act Dec. 20, 1991, P.L. 102-243, § 2, 105 Stat. 2394 (emphasis added).

Robocalls are contrary to federal and state public policy as stated in the TCPA. “The intent of Congress, when it established the TCPA in 1991, was to protect consumers from the nuisance, invasion of privacy, cost, and inconvenience that autodialed and prerecorded calls

generate. Congress found that consumers consider these kinds of calls, regardless of the content or the initiator of the message, to be a nuisance and an invasion of privacy; that businesses also complain that these kinds of calls are a nuisance, are an invasion of privacy, and interfere with interstate commerce; and that banning such calls, except when made for an emergency purpose or when the called party consents to receiving the call, is the only effective means of protecting telephone consumers from this nuisance and privacy invasion.” *In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 30 FCC Rcd. 7961, at ¶29 (F.C.C. July 10, 2015).

Robocalls necessarily inflict injury in the form of “the time, frustration and expense [plaintiff] bore fielding unconsented-to automated calls.” *Martin v. Leading Edge Recovery Solutions, LLC*, 11 C 5886, 2012 WL 3292838, *2–3 (N.D. Ill. Aug.10, 2012). Robocalls violate public policy, as expressed in the TCPA, and inflict unavoidable injury on the recipient.

My firm has represented hundreds of consumers who have been harassed by receiving unsolicited, automated calls and text messages. We have represented consumers who received scores of text messages after repeatedly asking senders to STOP sending telemarketing texts. We have also represented consumers who received prerecorded debt collection attempting to collect debts that were not theirs. In all of these cases, the automated nature of the calls has made it difficult for the consumer to get them to stop.

The purpose of the TCPA is to protect consumers from unwanted and intrusive calls and text messages. The Commission should exercise its authority to protect consumers from these unwanted robocalls.

Respectfully submitted,

s/ Daniel A. Edelman

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