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May 30, 2019

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The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

JUN 06 2019

FCC Main Office DOCKET FILE COPY ORIGINAL

Re: Request for comments regarding the Advanced Methods to Target and Eliminate
Unlawful Robocalls (CG Docket No. 17-59, WC Docket No. 17-97)

Dear Chairman Pai:

The Receivables Management Association International ("RMAI") is writing to express our significant concern about the proposed Declaratory Ruling ("FCC-CIRC1906-01") being considered at the Federal Communications Commission's ("FCC") June 6, 2019 meeting that would allow voice service providers to provide call-blocking services by default.

RMAI is a nonprofit trade association that represents more than 500 businesses in the receivables management industry. Our membership includes debt buying companies, collection agencies, law firms, originating creditors, and companies providing products and services to the receivables industry.

RMAI's members interact with millions of consumers every year concerning all aspects of consumer credit. Our members understand consumers' concerns regarding their debt because they work with consumers every day. RMAI has zero tolerance for bad actors and criminals who manipulate consumers, particularly the elderly and disadvantaged households.

Accordingly, we are a strong proponent of fair, consumer-friendly debt collection practices. To put our principles into action, we developed the Receivables Management Certification Program in 2013 with the stated mission to "provide enhanced consumer protections through rigorous and uniform industry standards of best practice." The program certifies collection agencies, debt buying companies, law firms, and vendors in the United States.

Given our commitment to fair, consumer-friendly practices, RMAI's members, board of directors, and staff appreciate the FCC's efforts to protect consumers from unsolicited calls and "spoofing" attacks. However, we are concerned that the proposed Declaratory Ruling would unnecessary harm consumers by preventing them from receiving vital information in real time because it does not exempt legitimate debt collection calls from the call-blocking service.

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Our members are unlikely to be included in a given consumer's contact list, so they will likely not be "white listed" by the call blocking service or included in the "Critical Calls List." As a consequence, it is quite likely that the vast majority of outgoing calls from our members, and the receivables industry generally, would be blocked under the proposed Declaratory Ruling. Creditors need to communicate with consumers via phone about their contractual obligations, and consumers need to receive such information in a timely manner.

This Declaratory Ruling's most likely unintended consequence, and RMAI's primary concern, is that it will result in a significant increase in creditor-initiated lawsuits against consumers because they and consumers will be unable to engage in the conversations necessary to address a consumer's debt obligations. Our members want to work with consumers to find a mutually beneficial outcome. Communicating with the consumer by phone is an essential part of this process because it allows our members to confirm that they have the (i) right person, (ii) right debt, and (iii) right debt amount. Once this information has been confirmed, our members and consumers can discuss a mutually agreeable solution. However, if phone calls are automatically blocked, the only viable solution, in most circumstances, is litigation, resulting in wage garnishments, property liens, and court and attorney costs. Litigation is a measure of last resort when communication attempts have failed; it is not a course our members want to take.

We appreciate the FCC's efforts to stop the never-ending solicitations and the dangerous scams that are harming consumers, but the Declaratory Ruling does not allow legitimate businesses to communicate with consumers concerning payments on accounts that are either current, in a pre-default status, or in a default status. As a result, the Declaratory Ruling will cause consumers unintended and unnecessary harm.

We appreciate your consideration of our concerns. RMAI is available to work with the FCC to design a solution that protects creditors and consumers.

Sincerely,



Jan Stieger
RMAI Executive Director

Cc: Hon. Brendan Carr, Commissioner
Hon. Michael O'Rielly, Commissioner
Hon. Jessica Rosenworcel, Commissioner
Hon. Geoffrey Starks, Commissioner