June 28, 2018

Honourable Commissioners,

I write this letter to express my full and unqualified support for the comments of the National Consumer Law Center, et. al. on this docket. I also write to expound on the points the NCLC made in this filing regarding the points for which the FCC has sought comment.

As a preliminary matter, it is of paramount importance that the definition of an ATDS be defined as broadly as possible. Telemarketers up to no good will soon viciously exploit any loophole in the law, and this has already begun to happen in light of the recent decision in *ACA International*. When the TCPA ATDS prohibition was drafted in 1991, the only ATDS systems in existence were the stereotypical "autodialers" that dialed numbers sequentially or randomly. However, technology has rapidly advanced and the TCPA has not been revised to keep pace. As a specific matter, I note the incredible popularity of so-called "click to call" telephone systems, which should be included in the definition of an ATDS. The NCLC has already addressed the "clicker agent" variation of a "click to call" system, but I would like to turn the Commission's attention to the problems that single-agent click-to-call systems pose. These systems increase call center efficiency to frightening levels, and provide additional features to call centers, such as allowing an agent to take a pause before answering another call, which drastically improve the efficacy of such systems to the detriment of the victim of the telemarketing calls.

Often, a "click to call" system will display a short customer record that is obtained alongside the lead/list (name, address, demographic data, etc.), and prompt an agent to click one button on their computer screen to initiate a call automatically through their computer or headset. This threadbare level of "human" intervention is clearly still an autodialer in spirit and cannot be

reasonably interpreted to meet the level of human intervention required for a manually dialed call. The spirit of the ATDS prohibition was clear: to prohibit calls from certain systems that dial customers with incredible levels of efficiency, thus increasing the nuisance level to the consumer through a deluge of calls while helping the illegal telemarketer's bottom line. A click-to-call system, which did not even exist in 1991, clearly exhibits these same levels of efficiency and ought to be included under the definition. There is a very clear difference between looking a customer up in a file, picking up a telephone, and dialing 10 digits on a conventional telephone, then there is in having a computer screen pre-populate all the information and require a simple mouse click to call the customer. For all intents and purposes, the latter is automatic. One final point is that I agree with the NCLC that there ought to be a redial or manually entered contact exemption of sorts to ensure that innocent consumers do not inadvertently violate the TCPA.

In regards to reassigned numbers under the TCPA, I am a strong proponent of the current rules surrounding reassigned numbers, which state that there is constructive knowledge of reassignment after the first call. However, the FCC ought also consider adding a time frame to this standard during which telephone numbers are considered "reassigned," perhaps 15 to 30 days. In other words, reassignment protections ought only extend to a short period after numbers are reassigned, not indefinitely. A caller should not be able to claim that a number is "reassigned" forever, as the current law provides for. Hypothetically, assume that a company has a list of sales prospects from three years ago. If I obtained my telephone number two years ago, if it were on that list from the previous owner of the number, and I received a call from that company today, that company could claim "reassignment," despite my having the number for two years and the company having out-of-date lists. Furthermore, the called party should refer to the actual recipient of the call, as is the status quo currently. Finally, the FCC should not

establish a reassigned number database, because such a database would provide a benefit to illegal telemarketers to the detriment of the American consumer and taxpayer. I note that Neustar already operates a reassigned number database to which companies may subscribe if they are so inclined. Retaining this system places the responsibility for scrubbing against reassigned numbers squarely where it should be: at a company's choice and expense in the private sector, not by the government on the taxpayer dime.

In regards to revocation of consent, I am in favor of the current law, which provides for revocation of consent through any reasonable means. I note that a standardized code is not the answer; consent should be revoked in any reasonable way, such as by informing an employee, sending a text to the number that called, e-mailing the company, mailing the company, saying "stop calling" at any time during the call, or by a website.

Fourth (and fifth), I wholeheartedly support the NCLC's comments regarding Federal employees and the government callers. I note, however, that something must be done to stem the tide of non-emergency municipal calls (perhaps the most trivial of which I received consisted of a prerecorded message congratulating the Eagles for a Super Bowl victory), as well as calls from fake student loan relief scam artists, which seem to be an almost daily occurrence, despite my not having a single student loan.

I trust that the FCC will take these comments into consideration and work to make the TCPA stronger and better for all consumers.

Respectfully Submitted,

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