

July 12, 2019

VIA Electronic Delivery

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room TWA325
Washington, DC 20554

Re: Notice of Ex Parte Presentation, CG Docket Numbers 02-278, 17-59 and 17-97

Dear Ms. Dortch:

On July 10, 2019, staff and members of the National Council of Higher Education Resources (NCHER) met with Zenji Nakazawa, Legal Advisor, Public Safety and Protection, within the Office of Chairman Ajit Pai.

NCHER is a national, nonprofit trade association that represents higher education service agencies that administer education programs that make grant and loan assistance available to students and parents to pay for the costs of postsecondary education. Our membership includes organizations under contract with the U.S. Department of Education to service and recover outstanding loans made under the Federal Direct Loan Program and organizations that service and recover outstanding loans made under the Federal Family Education Loan Program (FFELP).

Those in attendance at the meeting were:

- Shelly Repp, Senior Advisor and Counsel, NCHER
- James Bergeron, President, NCHER
- Norine Fuller, Fashion Institute of Design & Merchandising
- Kathleen Smith, Pennsylvania Higher Education Assistance Agency

Generally, at the meeting the group related the need for relief from the current uncertainty regarding the rules on calling student loan borrowers on their mobile devices. The following is a summary of the major points made during the meeting:


- We referred to previous NCHER filings with the Commission on the tools, unique in the consumer credit space, made available by the Congress and the U.S. Department of Education specifically to help struggling borrowers. The importance of having a phone conversation with borrowers was emphasized.
- We pointed out the uncertainty that now exists following the action by the D.C. Circuit overturning parts of Commission's Declaratory Ruling and Order released on July 10, 2015 (the "Ruling"). While we welcomed that decision, we recommended that the Commission define

what is an “autodialer” in a way that sticks to the statutory language. Further we suggested that the Commission provide clarifying guidance on how a calling party can meet the test of establishing “reasonable” means to revoke consent.

- We also mentioned that Section 301 of the Bipartisan Budget Act of 2015 (“BBA”) was intended by the Congress to provide relief from the Ruling’s restrictions in the context of collecting debt owed to or guaranteed by the federal government. However, the Commission’s Order implementing the BBA provision has never become effective and in any case was unduly restrictive. We suggested that the Commission reconsider that rule. By way of reference, we pointed out that the Consumer Financial Protection Bureau in June issue a proposed rule that allows caller to place seven calls within a seven-day period. We also indicated that we oppose the HANGUP Act, which would appeal the BBA exemption.
- We encouraged early implementation of the reassigned number database.
- We indicated that NCHER members share the Commission’s interest in blocking illegal and unwanted robocalls but expressed concern that undefined and overly aggressive call blocking will prevent our members from making struggling borrowers aware of the important helpful options available to them. We also expressed concern over call blocking apps that might label our members’ calls as “possible spam,” since borrowers frequently delete calls with such labels.

In summary, we emphasized that regulatory relief and certainty are needed. If you have any questions, please feel free to contact me at srepp@ncher.us or (202)822-2106.

Sincerely,



Sheldon Repp
Special Advisor and Counsel

Cc: Zenji Nakazawa