



DISTRICT OF COLUMBIA  
PUBLIC SCHOOLS

August 28, 2017

**Via ECFS**

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

**Re: Comments on Second NOI (FCC 17-90) re: Robocalls made to Reassigned Telephone Numbers**

Dear Secretary Dortch:

District of Columbia Public Schools (DCPS) is writing to provide comments regarding the Federal Communications Commission's (FCC or Commission) proposal to alleviate automated telephone calls, or "robocalls," to phone numbers which have been reassigned to new customers. Like many school systems, educational organizations such as DCPS depend on automated and prerecorded messages to send mass notifications to parents, guardians, students, and faculty regarding emergency weather closures, threat situations, unplanned student absences, event scheduling, and to provide other important education-related information.

DCPS supports an effort to create a database of reassigned numbers that schools can consult to avoid inadvertently calling numbers that are no longer being used by individuals that gave us consent to contact them. Moreover, DCPS supports a safe harbor provision from Telephone Consumer Protection Act (TCPA) violations for customers who use the database and inadvertently contact someone with a reassigned number that has not been flagged in the database as being reassigned.

DCPS previously provided comments on the Blackboard Petition for Declaratory Ruling.<sup>1</sup> The Blackboard Petition led to the Commission's determination that many school calls are emergency calls not subject to the TCPA.<sup>2</sup> Despite that ruling, there are still certain informational calls that could put the school system at risk of TCPA violations.

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<sup>1</sup> Letter dated April 22, 2015 to Marlene H. Dortch, Secretary, FCC, from Lisa Ruda, Deputy Chancellor for Operations, DC Public Schools, CG Docket No. 02-278.

<sup>2</sup> *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Blackboard, Inc. Petition for Expedited Declaratory Ruling*, CG Docket No. 02-278, 31 FCC Rcd 9054, 9062, para. 20 (2016) (*Blackboard Declaratory Ruling*).



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A growing number of students, parents, and others use wireless devices as their preferred method of contact. Recipients of our mass notifications expect them and consider them an essential part of our educational role. We strive to use high standards and practices in securing and maintaining the consent and information necessary to contact recipients via their requested method of notification.

A database of reassigned numbers, along with a safe harbor provision, would further protect educational institutions and reinforce that the mass notification providers we engage on our behalf are not liable under the TCPA for the educational-messages we send to our constituents. This would ensure that neither educational organizations such as ours, nor their third-party service providers, are subject to TCPA liability for education-related messages received in error.

Moreover, such a database would assist reassigned customers from receiving unwanted calls by providing a resource for schools to consult beyond simply removing customers that contact us. Given that numbers are frequently reassigned, and that the school system interacts with a large volume of wireless users who may have their number reassigned, a database would help ensure we only contact people who wish to be contacted and ensure that we are meeting our TCPA obligations.

Accordingly, we urge the FCC to maintain a database of reassigned numbers that can be checked, and safe harbor provided, so that education-related messages sent by schools are not subject to liability when sent to a wireless telephone number in error.

Thank you for the opportunity to share our comments on the FCC's proposal.

Respectfully submitted,

Scott Barash  
General Counsel, DC Public Schools