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SUBCOMMITTEE ON REGULATORY REFORM,
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August 3, 2018

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

Dear Chairman Pai,

I write in strong support of the Federal Communication Commission's (FCC) actions to address the recent onslaught of unwanted and illegal robocalls affecting consumers across the country. Furthermore, I want to express my appreciation over the FCC's willingness to revisit and seek further comment on outstanding Telephone Consumer Protection Act (TCPA) provisions. The FCC's willingness to address these intrusive robocalls and deliver needed policy updates will greatly benefit my constituents and individuals across the state of Colorado.

As you know, previous interpretations of the TCPA have created a great deal of ambiguity for companies and kept consumers and businesses alike facing needless uncertainty. Businesses are left in limbo as to whether they may send legitimate promotional text messages and phone calls to consumers' cell phones. Unfortunately, many companies that utilize telecommunications for promotional purposes find themselves the subject of class action litigation or agency regulatory action. As such, I applaud your decision to reevaluate how to best regulate these marketing techniques to ensure legitimate marketing operations may continue while also stopping bad actors from committing further harm.

The FCC must find a workable approach that allows legitimate businesses to advertise to their consumers while providing individuals who wish not to receive these materials the protections they deserve. This is especially true following the D.C. Circuit Court's recent decision in *ACA International v. FCC*, which overturned the FCC's guidance related to reassigned phone numbers and the identification of which mobile devices qualify as an automated telephone dialing system (ATDS). It is critical the FCC work with industry to establish a workable regulatory regime governing how companies may use existing methods, while still accounting for emerging, innovative technologies of the future.

It is clear the time has arrived for the FCC to update and clarify the TCPA and the way this law treats companies in a rapidly developing technological world. Industry requires clear, easily implementable rules to determine how and when consumers may be contacted via text messages and phone calls for legitimate business purposes. Additionally, consumers deserve protections from predatory marketing methods. As such, I call on you to continue this work to overhaul and provide clarity to the TCPA. Thank you for your consideration of these requests.

Sincerely,

A handwritten signature in blue ink that reads "Ken Buck". The signature is written in a cursive, flowing style.

Ken Buck
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

September 7, 2018

The Honorable Ken Buck
U.S. House of Representatives
1130 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Buck:

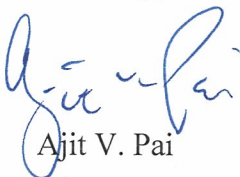
Thank you for your letter in support of the FCC's recent efforts to update and enforce the Telephone Consumer Protection Act (TCPA). Unwanted robocalls are consumers' top complaint to the FCC, and we have accordingly made combating illegal robocalls a top consumer protection priority. We have aggressively enforced the TCPA as well as the Truth in Caller ID Act—leveling over \$200 million in proposed fines against illegal robocallers. We have authorized carriers to stop certain robocalls at the source while we pursue creation of a reassigned numbers database and a robust call-authentication framework. And we have been working with our colleagues at the Federal Trade Commission as well, hosting a policy forum in March and a tech expo in April.

In your letter, you state that the time has arrived for the FCC to update and clarify the rules under the TCPA. In light of the decision of the U.S. Court of Appeals for the District of Columbia in *ACA International v. FCC*—which struck down much of the agency's *2015 TCPA Declaratory Ruling and Order*—I agree it is time for the Commission to establish robust consumer protections in line with federal law. As I predicted in my dissent, the last Administration's order has left both the American customer and American enterprise worse off. This cannot possibly be what Congress intended.

The Commission is now poised to examine and reconsider these issues. On May 14, 2018, the Commission sought comment on the definition of an "automatic telephone dialing system," the treatment of calls to reassigned numbers, and the scope of a consumer's right to revoke prior express consent to receive robocalls. We also sought renewed comment on reconsidering the *Broadnet* decision and the *2016 Federal Debt Collection Rules*, as well as the interplay between the *Broadnet* decision and the Budget Act amendments. The comment and reply period closed on June 28, 2018, and Commission staff is now reviewing the record. We will be sure to include your comments in the record of the proceeding and take them into account as we move forward.

I look forward to working with my colleagues on addressing these issues while continuing our many other efforts to combat illegal robocalls. Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai