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FCC Mailroom

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July 10, 2018

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

Dear Chairman Pai:

The Federal Communications Commission's (FCC) recent efforts to update the Telephone Consumer Protection Act (TCPA) and create a safer and more workable environment for communicating with consumers should be commended.

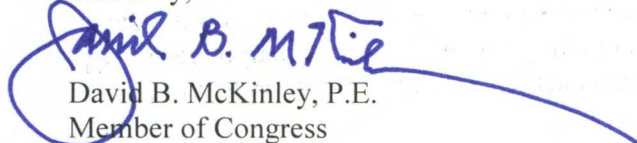
While the FCC is at the forefront of many critical communication issues, its past interpretations of the Telephone Consumer Protection Act (TCPA) have resulted in confusion regarding what is required. This has made it more difficult for consumers to receive the communications they want and need, and for legitimate businesses to understand compliance standards.

In addition, there is legal uncertainty surrounding how consumers can obtain important information. This leads to increasing class action litigation that often does little to help consumers. The FCC must make it more workable for legitimate businesses to stay in communication with consumers in a timely and effective manner, while continuing to fight to eliminate illegal and fraudulent calls and texts to cell phones.

We appreciate the steps the FCC has taken to limit abusive and illegal robocalls, and applaud the enforcement of action taken to end these instances of consumer mistreatment. It is imperative that the FCC continues to develop a modern TCPA framework that provides protection to consumers from bad actors, but allows legitimate business to communicate effectively with their customers. To that end, I request that you please update me on the steps you are taking to establish better protections for consumers and clarify and modernize the rules under TCPA.

Thank you for your attention to this matter. If you have any questions or concerns, please contact my Legislative Assistant, Sydney Pettit, by email at Sydney.Pettit@mail.house.gov or by telephone at (202)-225-4172. I look forward to hearing from you.

Sincerely,


David B. McKinley, P.E.
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

September 7, 2018

The Honorable David B. McKinley
U.S. House of Representatives
2239 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman McKinley:

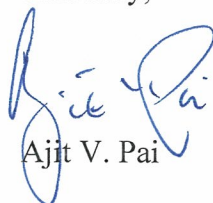
Thank you for your letter in support of the FCC's recent efforts to update and enforce the Telephone Consumer Protection Act (TCPA). Unwanted robocalls are consumers' top complaint to the FCC, and we have accordingly made combating illegal robocalls a top consumer protection priority. We have aggressively 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 request an update on the steps the Commission is taking to clarify and modernize 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

P.S. Also want to say thanks
for your supportive words
about our Connect America
fund auction - we're optimistic too that this will get more
people in West Virginia connected!