



Filed electronically via www.fcc.gov/ecfs

October 29, 2017

Ajit Pai
Chairman
Federal Communications Commission
445 12th St., S.W.
Room TW – A325
Washington, D.C. 20554

Re: CG Docket No. 02-278
Credit Union National Association Petition for Declaratory Ruling Under the Telephone
Consumer Protection Act of 1991

Dear Chairman Pai:

The Illinois Credit Union League (ICUL) is the primary trade association for nearly 300 state and federally chartered credit unions throughout the State of Illinois, who in turn serve 3 million consumers. We appreciate the opportunity to comment on the Credit Union National Association (CUNA) Petition for Declaratory Ruling Under the Telephone Consumer Protection Act of 1991 (TCPA).

Introduction

Credit unions are not-for-profit financial cooperatives that exist to serve their member-owners, with whom the credit union has an established business relationship. Given this unique ownership structure, credit unions are compelled to communicate with their members to support them in fulfilling their responsibilities as owners of the institution.

Limitations

While the TCPA was originally intended to protect consumers from unwanted telemarketing “robocalls,” it has evolved into a convoluted web of challenges that limit essential informational calls to member-owners and expose credit unions to severe liabilities for non-compliance. Under the current TCPA landscape, credit unions are concerned about the ambiguities in how to comply with this antiquated statute and troubled by the imposed restrictions on member communication.





Furthermore, uncertainties persist when TCPA permits informational calls to residential landlines by prerecorded message or advanced technology, yet prohibits the same informational call to a cell phone without a member's prior express consent, in spite of the fact a clear majority of consumers no longer own a landline phone. Further, while the law provides certain exceptions with regard to fraud related text and calls, the sender has the burden to demonstrate the communication is free to the end user, despite the reality that voice calls and texts are almost always included at no additional cost in today's wireless plans.

Regulatory Relief

Based upon the foregoing information, ICUL supports the petition for declaratory ruling filed by CUNA on September 29, 2017. In its petition, CUNA requests that the Commission create an exemption from the TCPA's "prior express consent" requirement for informational calls made by credit unions to wireless numbers in either of two circumstances: (1) the wireless subscriber has an established business relationship with the credit union; or (2) the calls are in fact not charged to the called party. In either event, CUNA proposes certain conditions to minimize any harm to consumer privacy, including reasonable limits on the frequency of such communications. CUNA goes on to state that granting the petition will help dissipate the cloud of uncertainty that is causing credit unions to stop providing important information to their member-owners. Moreover, the petition does not seek relief for telemarketing calls but rather invites a common-sense approach to assist credit unions in facilitating beneficial financial communications with their members. In fact, the Consumer Financial Protection Bureau issued recent guidance urging banks and credit unions to provide "real-time information" to consumers through text alerts to help protect their finances. Clearly, this conflicting guidance puts credit unions in an indefensible position of having to choose between opposing federal regulatory agencies.

Conclusion

In conclusion, ICUL urges the Commission to adopt an established business relationship exemption from the TCPA's prior-express-consent requirement for informational autodialed or prerecorded voice calls and text messages made by or on behalf of credit unions to their member's wireless phone numbers, either where the wireless subscriber has an established business relationship with the credit union or the call or text is in fact free to the called party.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joni Senkpeil', written over a horizontal line.

Illinois Credit Union League

By: Joni Senkpeil, VP Compliance Solutions

