

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of the)
Rules and Regulations)
Implementing the Telephone) CG Docket No. 02-278
Consumer Protection) CG Docket No. 18-152
)
Act of 1991)

Comments of Joe Shields on IHS Markit Petition for
Emergency Declaratory Ruling

The petition for an emergency declaratory ruling should be denied on the basis that there is no emergency that needs to be addressed by the Commission. Further, the claim that an automotive recall is an emergency borders on a sham.

In my lifetime I have received many automotive recalls and not one of them presented itself as an emergency. In fact in most instances, including the Takata air bag recall, the recall stated that parts were not available at the time the recall was issued.

Even the NHTSA acknowledges that there is no emergency when it comes to automotive recalls: "Manufacturers will notify registered owners by first class mail **within 60 days** of notifying NHTSA of a recall decision."

The petitioner's legal representative, Mark Brennan, has filed many anti-TCPA petitions with the Commission. In

an ex parte comment he has even recommended that the debt collection industry be allowed to make 40 autodialed or prerecorded voice calls to cell phones every month: "Navient showed that 40 or more calls attempts are required to reach 25% of delinquent federal student loan borrowers..."

The same individual has made belligerent statements against the few individuals that participate in the Commission proceedings, including myself, simply because we are exercising our constitutional rights¹.

One petitioner admits that the sole purpose of these petitions is to neuter the automatic call regulations of the TCPA: "the time has come to equalize treatment of residential and cell phones..."²

That is exactly what the IHS Markit petitions seeks to do with its petition. The TCPA, once a content neutral statute, (specifically (b)(1)(A)), is in danger of becoming a content dependent statute which will lead to the TCPA failing to meet constitutional muster.

Consumers get too many autodialed and/or prerecorded calls and the Commission must not make it worse for

¹ See my previous AATM petition comments:
https://ecfsapi.fcc.gov/file/105151083210116/Shields_AllAboutTheMessage_Petition_Comments_02_278_AsFiled_05_14_17.pdf

² ADT ex parte comments:
[https://ecfsapi.fcc.gov/file/110157931085/Notice%20of%20Oct.%2030th%20Ex%20Parte%20Meetings_Active\(Active\).PDF](https://ecfsapi.fcc.gov/file/110157931085/Notice%20of%20Oct.%2030th%20Ex%20Parte%20Meetings_Active(Active).PDF)

consumers. Getting prior express consent has worked for many years and there is no reason to get rid of a requirement that works. Consequently, the Commission must deny the IHS Markit petition.

Respectfully submitted.

 /s/

Joe Shields
Texas Government & Public Relations Spokesperson for
Private Citizen Inc.
16822 Stardale Lane
Friendswood, Texas 77546