



VIA ECFS

November 6, 2017

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Request for Comment on Petition for Declaratory Ruling Filed by the Credit Union National Association,  
GC Docket No. 02-278

Dear Ms. Dortch,

Credit Union of Texas appreciates the opportunity to offer comments in support of the Petition for Declaratory Ruling filed by the Credit Union National Association, of which we are a member. CUNA requests that the Federal Communications Commission adopt an established business relationship exemption from the Telephone Consumer Protection Act ("TCPA") for credit union informational calls and text messages to cellular phones. Alternatively, CUNA requests that the Commission exempt from the TCPA calls and texts that are without charge to the called party.

Credit Union of Texas is a \$1.4 billion credit union based in Dallas, Texas. We were chartered in 1931 as the Dallas Teachers Credit Union. Like all credit unions, we face considerable uncertainty regarding the scope of permissible activities, and attendant liability, under the confusing regulatory framework of the TCPA as it is currently interpreted.

As CUNA mentions in its summary, we are one of the 75% of credit unions that ceased using an autodialer and prerecorded or artificial voice messages to contact our members, due to our concern of liability under the TCPA. Our concern was not only whether the content of the calls was permissible, but we did not believe we had a mechanism that would accurately track the revocation of consent for calls, which the FCC's current interpretation of the TCPA allowed our members to do anytime and anywhere.

Previously, and as just one example, we used the autodialer to place an informational reminder call to our members who were five days late on a loan payment. We chose a five day window because our members would not yet have incurred a late fee on their payment. With our use of the autodialer for this purpose, we estimate that we had an approximately 40% success rate with receiving payment right away. The real benefit to our members was avoiding a late fee. However, with the uncertainty under the TCPA regarding autodialers, recorded messages and collections calls to cellular phones (which are the majority of phone numbers we are given), we ceased this practice. Our staffing headcount in the collections department went from eight to twenty, because we now had to manually dial the phone,



leave a message, and wait for a call back. Our delinquencies also increased<sup>1</sup> and more members incurred a late fee. The TCPA's restriction on the use of autodialers currently constrains us from easily and efficiently offering this sort of helpful, informational call to our members about a late loan payment, prior to the loan being considered delinquent. In our view, and likely in the eyes of our members, this is a breach of our responsibility to our members to help them manage their accounts in a financially responsible manner.

If a prior business relationship exemption were in place, Credit Union of Texas would be able to continue to use the autodialer to help our members manage their loan payments, among other helpful informational calls. Additionally, it would eliminate the burdensome (and somewhat confounding) task of keeping track of revocation of consent under the TCPA.

We are particularly interested in an elimination of the distinction between landline and cellular phone numbers. Our members give us their cellular numbers on account applications, loan applications, safe deposit box agreements, and other times when they are conducting business at our credit union. For many of our members, a cellular number is the only phone number they have. Is a stretch of logic for the FCC to summarily decide that our members didn't mean to give permission for us to call them on that number when they provided it to us as part of their contact information. When the content of our message is the same when it is delivered to either a landline or a cellular line, there is no meaningful purpose behind the result that one call is allowed and the other call is problematic under the same TCPA.

We express our support for CUNA's request that the Commission issue a declaratory ruling that wireless informational calls and texts to credit union members with whom a credit union has an established business relationship or where the calls are free of charge, are exempt from the TCPA's prior express consent requirement. We agree with the Petition that telemarketing calls should not be exempt under a "prior business relationship" status, and we support continuing the consent requirement for telemarketing calls.

Respectfully,

A handwritten signature in black ink, appearing to read 'V. Eric Pointer', written over a horizontal line.

V. Eric Pointer  
President and Chief Executive Officer  
Credit Union of Texas

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<sup>1</sup> Our delinquencies increased for reasons other than just discontinuing use of the autodialer. For example, we may have had fewer delinquencies if we had been adequately staffed to keep up with the manual calling process described. For that reason, we cannot provide a percentage increase in delinquencies that was solely tied to discontinuing use of the autodialer.