

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the matter of CUNA Petition for Declaratory Ruling : CG Docket No. 02-278

Rules and Regulations Implementing the Telephone
Consumer Protection Act of 1991

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COMMENTS OF VINCENT LUCAS IN OPPOSITION

Oh brother! Here we go again. Yet another industry that claims that it is so special that it cannot respect the rights of its customers not to be called.

Whenever I open a new banking account, there is always at least a half dozen forms that I am required to sign. Why not make one of those forms be a request for the customer to give consent to be called by the credit union? In nearly all cases, the customer is eager to open a new account and will give their consent. On the other hand, if the customer refuses to give consent to be called, it means that the customer does not want to be called. So, don't call them! It really is a perfect system. Customers who are willing to be called will give consent. Customers who don't want to be called will refuse consent. Respect their wishes!

CUNA has not demonstrated why they need some special exemption. Credit unions can ask for the customer's consent prior to making calls. CUNA argues that it "should be able to communicate regularly with their members concerning governance issues", that it needs to provide "financial education for members", and needs to be able to provide "overdraft alerts", "fraud alerts", etc. However, I certainly do not want my credit union to annoy me with calls about "governance issues" and "financial education". Furthermore, the credit union has many other ways to convey this information – such as U.S. mail. I sympathize with the desire to

provide “overdraft alerts”, etc. However, one of the risks of not consenting to be called is that these alerts will be received through slower means of communication, such as mail. By the way, there is no reason why such alerts could not be sent by e-mail, which would provide instant notification. Ideally, one of the options that consumers should be given is an option to consent to be called about only time-critical information such as overdraft and fraud alerts, and if the consumer refuses consent, the consumer does so at his/her own risk.

Also, it is very easy to imagine how the so-called “financial education” communications will often also serve as advertisement for the credit union. For example, an “educational” call about how it is a good idea to refinance your mortgage now while rates are low is an implicit advertisement for the credit union’s mortgages.

Conclusion

CUNA has not demonstrated why they cannot live by the TCPA regulations that everyone else must live by. The petition should be denied.

Respectfully submitted,

Vincent Lucas