

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

<i>In the Matter of</i>)	
)	
Rules and Regulations Implementing the)	CG Docket No. 02-278
Telephone Consumer Protection Act of 1991)	DA 17-798
)	
Petition for Declaratory Ruling by Credit Union National)	
Association)	

**Comments Opposing the Petition for Declaratory Ruling
Filed by Amanda J. Allen**

I am submitting these comments in my professional capacity as a consumer rights attorney that represents consumers who suffer from incessant unwanted calls to their cellular telephones. Many of my clients endure this automated telephone harassment at the hands of credit unions. I, therefore, respectfully oppose the request of the CUNA.

During the first nine months of 2017, 22.5 billion robocalls were made.¹ 2.4 billion robocalls were placed nationwide in September alone.² Contrary to the picture painted by CUNA, these calls were not “welcome[d] or expect[ed].”³ In 2016 there were over five million complaints about unwanted calls filed with the Federal Trade Commission,⁴ increasing from over three and one half million the previous year.⁵

¹ *Youmail Robocall Index*, last accessed October 31, 2017. Available at <https://robocallindex.com/>.

² Id.

³ CUNA Petition at i.

⁴ See Federal Trade Commission, National Do Not Call Registry Data Book for Fiscal Year 2016 (Dec. 2016), available at https://www.ftc.gov/system/files/documents/reports/national-do-not-call-registry-data-book-fiscal-year-2016/dnc_data_book_fy_2016_post.pdf.

⁵ See Federal Trade Commission, National Do Not Call Registry Data Book for Fiscal Year 2015 (Dec. 2015), available at <https://www.ftc.gov/system/files/documents/reports/national-do-not-call-registry-data-book-fiscal-year-2015/dncdatabookfy2015.pdf>.

In my experience representing consumers, a credit union's "unique relationship with [its] members" in no way lessens the invasion of privacy, interruption of their day, and required attention which result from unwanted automated calls. In fact, members who "welcome and expect this information" have the ability to continue receiving calls from their credit union.

CUNA is correct in pointing out that non-compliance leads to potential financial exposure.⁶ Indeed, that is exactly the point of the damages provisions in the TCPA. CUNA points to several cases in which credit unions had to pay damages for noncompliance as a justification for these requested exemptions.⁷ However, these cases represent exactly why the requested exemptions should not be granted. In these cases, the credit union had violated the TCPA and invaded the privacy of consumers to such an extent that these consumers went to the trouble to find lawyers and initiate the difficult and stressful process of engaging in litigation. In each case, the law did its job: punishing violators of the law for harming consumers.

Allowing credit unions to make the calls without prior express consent would undermine this Commission's July 10, 2015 Omnibus Declaratory Ruling emphasizing the need to "empower consumers to decide which robocalls and text messages they receive, with heightened protection to wireless consumers" and to "preserve consumer's rights to stop unwanted robocalls . . . and thus respond to the many who have let [the Commission], other federal agencies, and state know about their frustration with robocalls."⁸

On behalf of my clients, myself, and consumers across the country, I respectfully request the Commission to deny CUNA's petition.

⁶ CUNA Petition at 23.

⁷ CUNA Petition, Note 60.

⁸ Federal Communications Commission Omnibus Declaratory Ruling and Order, CG Docket No. 02-275 WC Docket No. 07-135, ¶ 43 (released July 10, 2015) ("2015 Declaratory Ruling").

Respectfully submitted,

s/ Amanda J. Allen

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