

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

Request of Life Insurance Direct Marketing Association, National Association of Insurance and Financial Advisors, National Association of Independent Life Brokerage Agencies and Association for Advanced Life Underwriting for Clarification & Declaratory Ruling

CG Docket Number 02-278

**MEMORANDUM SUMMARIZING NOVEMBER 8, 2018 ORAL PRESENTATION**

Pursuant to the Commission's rules governing ex parte presentations (47 U.S.C. §§ 1.1200 – 1.1216) the Petitioners submit this memorandum summarizing their ex parte presentation to the Commission on November 8, 2018.

**Persons in Attendance:**

- Jan Pinney, President of LIDMA
- Diane Boyle, Senior VP of NAIFA
- Michael Hedge, Director of NAIFA
- Chris Morton, Executive VP of AALU
- Dan LaBert, CEO of NAILBA
- Zenji Nakazawa, Legal Advisor, Public Safety and Consumer Protection, Office of FCC Chairman Amit Pai

**Summary of Substance:**

Mr. Nakazawa began the meeting by stating that he had read the pending Petition and was fully aware of the Petitioners' position and request for an expedited decision. The

Commission is currently looking at the TCPA and the recent decision in *ACA Int'l v. F.C.C.* in an effort to address all TCPA issues, including existing business relationship (“EBR”) concerns, at the same time.

Petitioners requested that the Commission make an expedited decision on the EBR issue presented in the Petition, which is limited to life insurance agents and brokers (“servicing agents”). Petitioners emphasized that an expedited decision is necessary to ensure that consumers receive the policy service from their servicing agents that has been promised to them by their servicing agents and insurance companies. Many servicing agents are contractually required to communicate with policyholders to provide information about changes to coverages and rates pursuant to their contracts with insurance companies and policyholders’ changing life insurance protection needs. (Petition at p. 6, Exs. 3-10).

Further, it was discussed that a finding of a continuing EBR between servicing agents and their customers would simply be an acknowledgment of how the life insurance industry works. The Commission actually acknowledged the reality that servicing agents play an important role in providing on-going service to policyholders in the Commission’s 2005 State Farm decision. In that ruling, the Commission found that State Farm’s independent contractor agents have the same EBR as State Farm itself. Recognizing the EBR between an individual customer and his or her servicing agent during the term of the life insurance policy would not lead to consumers being inundated with calls from random insurance agents and brokers, it would simply allow one servicing agent, who already has a preexisting relationship with the customer, to call an existing customer. Thus, it was discussed that an expedited ruling would be appropriate granting the EBR exemption to servicing agents simply from a consistency of business model standpoint.

Finally, as an alternative to an expedited ruling on the EBR decision requested in the Petition, a statement of non-enforcement was discussed where Petitioners seek a pronouncement that no enforcement or other legal action can be taken pending clarifying guidance from the Commission.

November 9, 2018

Respectfully submitted,

By: /s/David F. Standa

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