**Before the**

**Federal Communications Commission**

**Washington, D.C. 20554**

In the Matter of :

Credit Union National Association (CUNA) :

Petition for Declaratory Ruling : : CG Docket No. 02-278

:

Rules and Regulations Implementing the : DA No. 17-798

Telephone Consumer Protection Act of 1991 :

**Comments of Jay Connor**

I am a non-lawyer consumer who became exhausted from unwanted calls and has represented myself as a plaintiff in TCPA cases for years. Based on my observations, experience and litigation of these types of calls, I am requesting the Commission deny the requests set forth in the CUNA petition.

The CUNA’s requests for exemptions from FCC regulations for TCPA compliance would weaken the statute’s intended purpose of consumer protection. Their alternative request for permission to auto-dial consumers who have unlimited calling plans would make it more difficult and confusing for non-lawyers and credit union members who seek to shield themselves from unsolicited calls.

***If the information transmitted by automated calls and texts are important to the CUNA and most of their credit members want these calls, why not request written permission?***

The CUNA petition refers to the “unique relationship” with its members and the “timely and critical information” they want to send via auto-dialed calls and text messages. “Members welcome and expect this information”. If this is true, these members will gladly provide permission in writing for the calls and doing so would allow credit unions to avoid making unwanted notifications to those who may not want to receive them.

Requesting prior express written consent is no more tedious than asking a credit union member to write a check to withdraw money from his account or fill out an application to request a loan.

In the same spirit, requesting and maintaining updated written permission from members for these types of communications would distinguish members who want these calls from those who do not want these types of calls.

***Wireless Lines v. Residential Lines***

The Commission has correctly upheld higher threshold requirements for placing calls to wireless phones with requirements permitting calls to landline residential telephones. Ironically, the statistics the CUNA cites regarding increased usage of wireless telephones support the argument for maintaining higher requirements, not reducing them.

The evolution of people replacing landline residential telephones with wireless phones doesn’t translate to those people longing for more autodialed calls. To the contrary, wireless phones are more personal to users than landline phones because people need them for non-telephone tasks and rely on them everywhere they go. Numerous unwanted calls to a wireless phone are more invasive and distracting than calls to a residential line, especially because people tend to carry their wireless phones while walking or driving.

The epidemic of auto accidents caused by distracted drivers texting and calling while driving is well-documented. The universal awareness that drivers usually have their wireless phones in their cars is a stand-alone reason to require written permission from wireless users for auto-dialed and text blasts calls to those numbers. Why would anyone support a petition that would increase unsolicited text messages and calls to driver’s telephones?

***2015 Omnibus TCPA Order***

In its petition, the CUNA laments that the 2015 Omnibus TCPA Order has caused “crippling liability” and “three-fourths (75%) of credit unions that had used some form of an artificial or prerecorded voice messaging system in the past have curtailed or ceased completely such communications”. These statements illustrate the complete disconnect CUNA has with its members and ordinary citizens who wish to be left alone.

Most citizens who receive numerous, unrelenting, unsolicited calls ***support*** the liability imposed by the TCPA for entities that refuse to comply with existing law and ***cheer*** the reduction in calls that use precorded messages. TCPA liability is intended for companies that simply will not leave consumers alone and for those companies, it is well deserved. Furthermore, if businesses cannot reliably auto-dial or text its members without avoiding people who haven’t provided written permission to be called, they can and should use other means to convey information.

***Conclusion***

Existing law does not preclude credit unions from communicating with their members effectively. As outlined above, the CUNA petition undermines the intent of the TCPA by asking the FCC to reach outside its scope of authority granted by Congress. The proposed changes would come at the expense consumer protection for the convenience of credit unions. The expense for consumers would manifest in lost time, annoyance, distraction from other activities and invasion of privacy.

Moreover, granting the CUNA petition requests would also serve as a “Trojan horse” for other entities to flood the Commission with petitions seeking the same unjustified special treatment under the TCPA.

I respectfully request the Commission deny the CUNA requests in their entirety.