



November 29, 2018

**Via Electronic Filing**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Room TW-A325  
Washington D.C., 20554

**Re: Notice of Ex-Parte Communication, CG Docket Nos. 02-278, 18-152 & 17-59**

Dear Ms. Dortch:

On November 27, 2018, Stuart Discount, CEO for the Professional Association for Customer Engagement (PACE); Michele Shuster, General Counsel for PACE; Rebekah Johnson, Chair, Communication Protection Coalition and Founder & CEO, Numeracle; and James Blitz, Vice President and Regulatory Counsel of SiriusXM met with the following representatives from the Federal Communications Commission in two separate meetings: Commissioner Michael O’Rielly, Arielle Roth, and Kagen Despain of Commissioner O’Rielly’s office and Mark Stone, Michael Jacobs, Kurt Schroeder, John B. Adams, and Karen Johnson of the Consumer and Governmental Affairs Bureau.

The purpose of the meetings was to highlight comments previously submitted in the above referenced Dockets.<sup>1</sup> Additionally, we discussed the cost associated with designing, building, and using a reassigned number database. We committed to work with PACE members to supplement our previously filed comments regarding the costs associated with a reassigned number database.

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<sup>1</sup> Comments of Professional Association for Customer Engagement, *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket Nos. 02-278, 18-152 filed [Oct. 17, 2018](#) and [June 13, 2018](#); Comments of Professional Association for Customer Engagement, *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59 filed [July 20, 2018](#), [June 7, 2018](#), [February 22, 2018](#), and [January 23, 2018](#); Notices of Ex Parte Communication, *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59 filed [March 22, 2018](#), [November 9, 2017](#), and [August 28, 2017](#).

PACE highlighted the harm caused to legitimate callers by blocking and labeling legal and TCPA-complaint calls, as well as the unintended consequences to consumers of having desired and necessary calls not go through due to improper blocking or disparaging labeling. The record in this proceeding already contains numerous examples of such harm and, by way of example, Rebekah Johnson shared her personal experiences as a consumer who received improperly-labeled calls:

1. Wire Transfer: December 2017, Ms. Johnson initiated several wire transfers online through her bank. The bank requires verbal confirmation of wire transfer numbers; therefore, she was informed the bank would call within 24 hours. The transfer would not be completed if the verbal confirmation did not occur. For all three wire transfer callbacks from her bank, the number was presented to Rebekah Johnson by her carrier as SCAM LIKELY.

2. Fraud Alert: July 2018, Ms. Johnson was hiking through a remote, mountainous area. Before ascending the mountain, she purchased supplies at a nearby convenience store. An hour later, she received a phone call on her cell phone. The carrier call labeling solution presented the automated prerecorded call as SCAM LIKELY, leading her not to answer the call. Upon completion of her hike, she attempted to make a purchase and her credit card was declined. When Ms. Johnson called her bank to inquire, she was informed they had to called and try to verify that she had initiated the purchase at the convenience store. Since Ms. Johnson did not answer the call labeled SCAM LIKELY, the bank cancelled her credit card. Due to the bank policy, a card could only be mailed to her home address. She was required to go to great lengths to secure a way to fund the rest of her trip, as she was not scheduled to return home for another two weeks.

3. Flight Delay Callback: February 2018, Ms. Johnson received text notifications from an airline indicating her return flight was delayed. She was instructed to call the airline to coordinate alternate return flights. Due to the high call volume into the airline call center, she was presented with the option to receive an automated callback by pressing 1, which she did. When the airline's automated calling system delivered the prerecorded connection to initiate the callback, the call was labeled SCAM LIKELY, which she did not answer and missed the critical call from the airline.

Pursuant to 47 C.F.R. § 1.1206(b), the undersigned files this notice electronically in the above referenced docket.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michele A. Shuster". The signature is fluid and cursive, with the first name "Michele" and last name "Shuster" clearly distinguishable.

Michele A. Shuster

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