

MEMORANDUM OF EX PARTE COMMUNICATION

DOCKET: CG 02-278

DATE OF EX PARTE COMMUNICATION: November 29, 2017

SUBJECT: Telephone Consumer Protection Act, 47 U.S.C. § 227

PARTICIPANTS:

FCC:

Mignon Clyburn, FCC Commissioner

David Grossman, Chief of Staff and Media Policy Advisor

NAFCU:

Dan Berger, President and CEO

Brad Thaler, Vice President of Legislative Affairs

Alexander Monterrubio, Director of Regulatory Affairs

Ann Kossachev, Regulatory Affairs Counsel

MEMO PREPARED BY: Ann Kossachev, Regulatory Affairs Counsel, NAFCU

NAFCU requested a meeting with Commissioner Clyburn to discuss the Telephone Consumer Protection Act (TCPA) and its continued effect on credit unions and their members. NAFCU informed FCC staff that credit unions regularly struggle to establish communication with their members for fear of violating the TCPA. NAFCU briefly discussed some of the ongoing effects of the FCC's 2015 Omnibus Declaratory Ruling and Order (2015 Order) interpreting the TCPA, in particular with regard to the exception for data breaches and the standard for reassigned numbers.

NAFCU reiterated its recent written request for an expanded data security and fraud exception for credit unions trying to contact their members following a data breach as well as more flexibility in contacting members regarding loss mitigation options related to “debts owed to or guaranteed by the United States.” Commissioner Clyburn asked NAFCU to provide her with data on how many calls credit unions are making to their members and the types of credit unions making the most calls. Mr. Grossman acknowledged that any changes to the 2015 Order would occur after ongoing litigation – *ACA International v. FCC* – is resolved.