December 3, 2018

**VIA ECFS**

Ms. Marlene H. Dortch

Secretary

Federal Communications Commission

455 12th Street SW

Washington, DC 20554

**Re: Advanced Methods to Target and Eliminate Unlawful Robocalls,**

**CG Docket No. 17-59**

Dear Ms. Dortch,

On November 29, 2018, I spoke by phone with Arielle Roth, Wireline Legal Advisor to Commissioner O’Rielly, to discuss the draft order in the above-referenced proceeding to be voted on at the Commission’s December agenda meeting.[[1]](#footnote-2) On November 30, 2018, I spoke by phone with Jamie Susskind, Chief of Staff to Commissioner Carr, and Travis Litman, Chief of Staff to Commissioner Rosenworcel, to discuss the same item. Consistent with NCTA’s comments in this proceeding, NCTA encouraged the Commission to include a safe harbor from TCPA liability for callers that make use of the reassigned numbers database that would be established pursuant to the draft order.[[2]](#footnote-3) In particular, NCTA explained that there is broad support in the record for adopting a safe harbor because it would increase the incentive of callers to use the database and thereby reduce the number of calls made to reassigned numbers.[[3]](#footnote-4)

Respectfully submitted,

**/s/ Steven F. Morris**

Steven F. Morris

cc: Arielle Roth

Jamie Susskind

Travis Litman

1. *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Second Report and Order, FCC-CIRC1812-03 (rel. Nov. 21, 2018). [↑](#footnote-ref-2)
2. Comments of NCTA – The Internet & Television Association, CG Docket No. 17-59 at 3 (filed Aug. 28, 2017) (“[A]ny callers using any reassigned numbers identification mechanism consistent with the Commission’s rules should get the benefit of a safe harbor for any violations that result from an error.”). [↑](#footnote-ref-3)
3. *See, e.g.,* Comments of the National Consumer Law Center, et al, CG Docket No. 17-59 at 8 (filed May 29, 2018) (“To incentivize the use of the reassigned number database, and thus reduce the number of unwanted and illegal robocalls, we agree that a limited safe harbor might not be inappropriate, as long as it is carefully written and will reinforce incentives to comply with the consumer protection purposes of the TCPA.”); Comments of ACA International, CG Docket No. 17-59 at 5 (filed June 5, 2018) (“The success of any reassigned number database hinges on the safe harbor that the FCC associates with use of it, particularly to protect legitimate businesses from predatory TCPA litigation.”). [↑](#footnote-ref-4)