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September 11, 2018

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717

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

Dear Chairman Pai:

I applaud the FCC's recent efforts to update its approach to the Telephone Communications Protection Act ("TCPA"), as well as its efforts in cracking down on abusive and illegal robocalls. Furthermore, the D.C. Circuit's recent ruling in *ACA International v. FCC*, 885 F.3d 687 (D.C. Cir. 2018) provides the Commission an opportunity to correct and clarify several areas of the TCPA and the 2015 TCPA Omnibus Declaratory Ruling, which, according to the Institute for Legal Reform, resulted in a 46% increase in TCPA case filings. Using this decision as a road map to bring common sense back to the TCPA, I recommend that the FCC clarify the term "automatic telephone dialing system" ("ATDS"), according to the plain language of the law and consistent with Congressional intent, to mean equipment must use a random or sequential number generator to store or produce numbers and dial those numbers without human intervention. Moreover, the FCC should find that only calls made using actual (not theoretical) ATDS capabilities are subject to the TCPA's restrictions.

Clear rules will not only help businesses comply with the TCPA, but will also reduce gaming of the legal system by both plaintiffs' attorneys and serial plaintiffs for profit. Much has changed since the TCPA was enacted in 1991, and I hope the Commission will act swiftly to establish rules that protect both consumers and legitimate business communications.

Sincerely,



Chairman Bob Goodlatte
House Judiciary Committee



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 26, 2018

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Goodlatte:

Thank you for your letter in support of the FCC's recent efforts to crack down on abusive and illegal robocalls. Unwanted robocalls are consumers' top complaint to the FCC, and we have accordingly made combating illegal robocalls our top consumer protection priority. We have aggressively enforced the Telephone Consumer Protection Act (TCPA) as well as the Truth in Caller ID Act—leveling over \$200 million in proposed fines against illegal robocallers. We have authorized carriers to stop certain robocalls at the source while we pursue creation of a reassigned numbers database and a robust call-authentication framework. And we have been working with our colleagues at the Federal Trade Commission as well, hosting a policy forum in March and a tech expo in April.

In your letter, you urge the Commission to take quick action to clarify important issues under the TCPA. I agree that in light of the decision of the U.S. Court of Appeals for the District of Columbia Circuit in *ACA International v. FCC*—which struck down much of the previous Administration's 2015 *TCPA Declaratory Ruling and Order*—the Commission should establish robust consumer protections consistent with federal law. As I predicted in my dissent, the last Administration's order has left both American consumers and businesses worse off. This cannot possibly be what Congress intended.

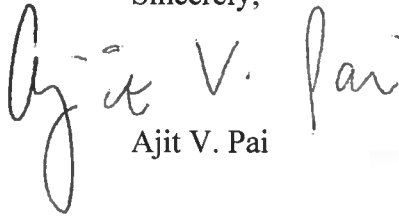
The Commission is now poised to examine and reconsider these issues. Earlier this year, we sought comment on the definition of an "automatic telephone dialing system," the treatment of calls to reassigned wireless numbers, and the scope of a consumer's right to revoke prior express consent to receive robocalls (the three primary issues raised in the *ACA International* decision). We also sought renewed comment on reconsidering the *Broadnet* decision and the 2016 federal debt collection rules, as well as the interplay between *Broadnet* and the Budget Act amendments. Commission staff is now reviewing the record that's been compiled on these issues.

I look forward to working with my colleagues on addressing these issues while continuing our many other efforts to combat illegal robocalls. We will be sure to include your

Page 2—The Honorable Bob Goodlatte

comments in the record of the proceeding and take them into account as we move forward.
Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Ajit V. Pai". The signature is written in a cursive, flowing style. The first name "Ajit" is written with a large, looped 'A' and a trailing 'j'. The middle initial "V." is written with a large, looped 'V' and a period. The last name "Pai" is written with a large, looped 'P' and a trailing 'i'.

Ajit V. Pai

Ajit V. Pai