

60000973253.txt

VoApps cannot assert that consumers are not charged for the calls to the voice-mail platform which deliver the voice-mail messages because many land-line services charge for every incoming call or incoming voice-mail message many VoIP providers charge for incoming voice-mails and they also charge for retrieving the voice-mail messages many "pay as you go" providers charge for every incoming voice mail regardless if the number was rung as long as a message was left. See for example Phone.com

See also for example pat-live voice-mail telephone numbers

<https://my.patlive.com/signup/selectplan.aspx?p=SAR>

In an opinion handed down last week, the Fourth Circuit Court of Appeals ruled that calls made to a residential line using an autodialer can violate the TCPA if the residential line service charges for incoming calls. In this particular case, the line was using a VoIP subscription that carried per-call charges.

And the Fourth Circuit Court Says Autodialed Collection Calls to VoIP Line Carrying Charges Violated TCPA

The case, Lynn v. Monarch Recovery Management, involved numerous debt collection calls to the plaintiff that were, in final analysis, not intended for him.

Lynn has lived at the same Maryland address since 2006. When he moved in, he got a residential landline from Verizon. But in 2009, Lynn subscribed to a Voice over Internet Protocol (VoIP) service and had his residential landline number ported to the VoIP service. His new service charged \$0.0149 per minute for incoming calls and a separate \$0.0149 flat rate for each transmission of Caller ID data.

Monarch was contracted to collect on three separate accounts. Through skip-tracing efforts, the collection agency determined that Lynn's phone number was the correct point of contact for each. Monarch called the number 37 times over a 10-month period.

But the accounts turned out to not be Lynns. Two were for the previous resident of his home and one was for his brother. Lynn advised Monarch of this and also noted that he was being charged for each incoming call. The company subsequently placed three final calls to the number.

Lynn sued Monarch alleging violations of the TCPA, the Maryland Telephone Consumer Protection Act (MDTCPA), and the FDCPA.

The FDCPA claims were settled. But Monarch argued that it did not violate the TCPA because the calls were not made to a mobile line. A lower court judge disagreed with this reasoning, noting that the language of the TCPA goes beyond cell numbers, stating, "making any call ... using any [ATDS] or an artificial or prerecorded voice ... to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call.

Because the VoIP service charged for incoming calls, it met the definition under the TCPA.

The three-judge appellate panel last week agreed with this reasoning, affirming the decision. The judges decided the case on filings only, opting to dispense with oral arguments.

In addition VoApps, Inc calls and Leaves rerecorded messages on numbers some of which are also cell phones and many cell phone providers in pay as you go plans also charge for incoming voicemails and they also charge a fee to retrieve them.