

December 18, 2014

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington DC 20554

Re: Notice of *Ex Parte* Presentation, CG Docket No. 02-278

Dear Ms. Dortch:

On December 17, 2014, I, along with Keith Keogh, an attorney from Chicago who is a member of the National Association of Consumer Advocates, met with Kris Monteith, Aaron Garza, Mark Stone, Kristi Lemoine of the Bureau, and Richard Mallen, of the Office of General Counsel, to discuss the issues surrounding autodialed calls to reassigned numbers.

Specifically, we urged the Commission to not relax its interpretation of the definition of Autodialer contained in the TCPA. We pointed out that callers using lists of consumers are likely to be using autodialers to make such calls. A key consumer problem is receiving multiple unwanted calls, which is made easier by autodialers. We urged the Commission to consider these consumer concerns when considering the autodialer definition

We urged the Commission to consider the consumer harm from calls to reassigned numbers. Consumers with reassigned numbers are often subject to many unwanted calls. The Commission should consider requiring that callers check to see if a number has been reassigned with third-party databases, require an easy means for consumers to opt-out of future calls, and require that callers manually dial after a specified period has elapsed since the previous call. There is existing technology which can assist callers in determining whether a number has been reassigned through, for example, hearing the consumer's greeting and identifying that it is not the consumer who gave consent.

We urged the Commission to require that callers maintain a robust record-keeping system in place to record consumer opt-out requests. Such record keeping would provide important protections to consumers.

Regarding the form of consent revocation, we pointed out that revocation is a consumer right that cannot be contracted away. In our meeting, we described the difficulties that consumers would face in withdrawing consent in writing. For example, even if the caller is one that is not concealing its identity, the consumer has no way of knowing the caller's address. Even if the call involves a human being with whom the consumer can speak, consumers routinely find that the caller hangs up when asked for an address. In addition, unscrupulous callers are unlikely to honor or admit to receiving written revocations of consent. Requiring written revocation of consent is particularly inappropriate when the consumer gave consent orally.

Consumers often do not know who the caller represents and that it is difficult or impossible for consumers to know if they have consented to the call, or to revoke consent, if they do not know who is calling them.

We very much appreciate the time and attention involved in considering our comments. If you have any questions, or would like any follow-up, please do not hesitate to contact Margot Saunders, counsel at the National Consumer Law Center, at [msaunders@nclc.org](mailto:msaunders@nclc.org), or 202 452-6253, extension 104.

Sincerely,

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Counsel  
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