



January 9, 2015

VIA ELECTRONIC DELIVERY

Chairman Tom Wheeler
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O’Rielly
445 12th Street, SW
Room TWA325
Washington, DC 20554

Re: Communication Innovators Petition for Declaratory Ruling
Ex Parte Presentation
CG Docket No. 02-278

Dear Chairman Wheeler and Commissioners Clyburn, Pai, Rosenworcel, and O’Rielly:

On behalf of our entire membership I am submitting these comments in support of the petition recently filed by American Association of Healthcare Administrative Management (AAHAM).

In today’s business climate our members compete globally and the use of new technologies play a vital role in our ability to be successful. Our businesses know and understand how important it is to have rules in place so that we do not burden consumers with random calls, tests, or e-mails. We’re not looking to change the telemarketing rules, nor does AAHAM’s petition set out to allow for random calls to be made to consumers. We believe AAHAM’s petition is very reasonable and consumer friendly while also protecting consumers.

Times have changed as the Center for Disease Control points out in its new research. According to the CDC more than two in every five American homes (44.0%) had only wireless telephones—an increase of 3.0 percentage points since the second half of 2013. CDC said this increase was statistically significant and was the largest 6-month increase since 2010. In addition, 14.8% of households received all or almost all calls on wireless telephones despite also having a landline telephone; these are classified as “wireless mostly” households. Thus, 58.4% of U.S. households rely either exclusively or predominantly on wireless telephone service. There are a number of time-sensitive, non-telemarketing calls that businesses and other organizations place to provide important healthcare information to consumers – including some that are required by law. The inability to use today’s technology to communicate sets all of us, both businesses and consumers back.

The looming threat of TCPA class action liability hinders innovation, increases costs, diverts limited resources away from consumer-facing operations, and threatens job creation efforts. Moreover, confusion about whether certain predictive dialers are autodialers will dissuade organizations – including unions and other non-profits – from placing consumer-friendly, non-telemarketing calls.^[3] Many of these notifications, such as payment confirmations and healthcare reminders provide great benefits to the patient but may not be worth the risk if the caller believes class action liability could result.

For all these reasons we urge the FCC to grant AAHAM's petition for Declaratory Ruling. Thank you for the opportunity to submit these comments on behalf of our members and the consumers they represent.

Pursuant to Section 1.1206(b) of the Commission's rules, we are filing this notice electronically in the above referenced docket.

Sincerely,

Paul A. Miller
Executive Director
