

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of the)	
)	
Rules and Regulations Implementing)	
)	CG Docket No. 02-278
the Telephone Consumer Protection)	
)	
Act of 1991)	

**Late Filed Reply Comments of Joe Shields on the RTI International Petition for
Declaratory Ruling**

I hereby submit these reply comments in response to the Commission’s request for reply comments on the RTI International Petition (hereinafter “RTI”) for Declaratory Ruling. There were only two comments filed with the Commission on the petition. Surprisingly, the petitioner did not find it important enough to file a comment only a reply comment. In that reply comment, the petitioner asks the Commission to reject my comments without any valid basis to do so. Although the petitioner may not agree with someone’s comments, that alone is not a reason to reject anyone’s comments.

Congress could have but did not carve out an exemption for automated survey calls to cell numbers made on behalf of the government. In fact the letter from Congress never once mentions cell phone numbers indicating that the signatories were not aware that their letter would be used for an excuse to create an exemption for automated survey calls to cell numbers.

Further, nowhere in either the Personal Responsibility and Work Opportunity Reconciliation Act or the Public Health Services Act is there any statutory language that exempts survey calls from the TCPA. Nor is there any statutory language in either act

that requires automated survey calls to cell numbers. The petitioner has not shown one case of statutory language requiring automated survey calls to cell numbers.

At best the petition is simply another ingenious attempt to circumvent the TCPA. And it comes from a person that has repeatedly claimed that all TCPA law suits are frivolous.

Common law holds that the government is a person under the TCPA. Without statutory language exempting the government from the TCPA there can be no exemption for the government from the TCPA.

The Commission should be protecting cell phone users from all automated calls without consent of the called party. One way to do that is to deny the RTI petition.

Respectfully submitted,

_____/s/_____

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