Monday, January 12, 2015

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:

Dear Mr. Secretary:

I work for the company Americollect, Inc.. We have been in business since 1964 and collect on behalf of medical clients to obtain payment for their past due accounts. The Telephone Consumer Protection Act (TCPA) greatly affects my job to collect the money that is justly owed to these medical clients and also affects my ability to contact consumers to make them aware of a potential derogatory mark on their credit file by putting restrictions on the ability to contact them using an auto-dialer.

I fully support the American Association of Healthcare Administrative Management's petition, docket number 02-278 concerning the TCPA. The TCPA, when enacted in 1991, was intended to protect consumers from certain telephone calls to their residential and cellular telephones. Absent the "prior express consent" of the called party and subject to certain exceptions, the TCPA generally prohibits callers from using 1) an artificial or prerecorded voice message or automated telephone dialing systems ("autodialers") to make calls or text messages to cellular telephone numbers; and 2) an artificial or prerecorded voice message to make calls to residential telephone numbers. (See 47 U.S.C. § 227). Unfortunately the well intentioned origins of the Act have been outgrown. The passage of time and the development of modern communication methods have caused the impact of the Act to detrimentally impact communications between healthcare related individuals and entities and the patient population.

As described below, the TCPA is outdated. Its original focus was to protect consumers from telemarketers. Since the enactment of the TCPA, there has been a vast expansion in cell phone and communication device use, reaching most aspects of modern life. Legitimate related communications have been made more convenient and more accessible, providing a tremendous benefit to the

consumer. However, such communications are being made the basis for litigation and penalties despite the legitimate nature of the calls.

1991 vs. 2014 Reality

1991

- The Telephone Consumer Protection Act (TCPA) was passed in 1991.
- This well-meaning legislation was designed to safeguard consumers from receiving: (1) unsolicited telemarketing calls in their homes; and (2) certain calls to pagers, cell phones, or any device that a consumer is charged for the call when placed using automatic telephone dialing systems or artificial or prerecorded voices.

2014

- 96% of American adults are currently mobile subscribers
- 326 million cell phone subscribers in the U.S.
- Mobile devices now outnumber American adults
- 51.6% of 18 to 64 year olds now live in cell phone only houses

23 years later, the TCPA has become outdated. Its potential application goes far beyond its original purpose and restricts Americans from receiving customer service messages they want on the device they prefer, their cell phones:

- Healthcare appointment reminders
- Credit card fraud alerts
- Notifications of flight delays or changes
- Payment Reminders
- Power outages and restoration

Because of this, TCPA Lawsuits are growing at an alarming rate:

- In 2012, 785 cases filed
- In 2013, 1332 cases filed
- Through September 2014, 1,908 TCPA lawsuits have been filed

Sincerely,

Kayla Witczak

Collection Team Leader