

## ED'S BLOG



# [BANKS, DEBT COLLECTORS LEAD BACKDOOR EFFORT TO ROBOCALL YOUR CELL PHONE! \(/BLOGS /EDS-BLOG/USP/BANKS-DEBT-COLLECTORS-LEAD-BACKDOOR-EFFORT-ROBOCALL-YOUR-CELL-PHONE\)](#)

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Banks and debt collectors are leading an array of powerful special interests running a sneak, backdoor attack on the consumer protection law that prevents robocalls to your cell phone without your consent. We've joined other consumer and privacy leaders, and senators led by Ed Markey (MA), to stop them.

Their backdoor regulatory effort follows their stunning defeat in the Republican U.S. House, after an unprecedented bi-partisan coalition of 56 state and territorial attorneys general led by Greg Zoeller (R) of Indiana and Lisa Madigan (D) of Illinois made numerous arguments against their original Congressional proposal, including that it could even lead to more traffic deaths, as consumers unwittingly answered a barrage of unwanted cell phone calls while driving.

Stymied in the House, the banks, debt collectors and other powerful interests have now filed a series of hyper-technical "petitions for declaratory rulemaking" before the Federal Communications Commission (FCC) demanding that the agency grant them exceptions to the [Telephone Consumer Protection Act](#), ([http://en.wikipedia.org/wiki/Telephone\\_Consumer\\_Protection\\_Act\\_of\\_1991](http://en.wikipedia.org/wiki/Telephone_Consumer_Protection_Act_of_1991)) an important law championed by Senator Markey when he was in the House. Although commissioners have not yet considered the petitions, it appears that staff -- despite responsibilities to review important issues such as preserving net neutrality and reviewing the proposed mega-merger between cable behemoths Comcast and Time Warner Cable -- have been bombarded with demands for meetings and action by a phalanx of industry suits marching on the agency. Nothing in the agency's rules of practice, as I understand them, however, even requires a response to public petitions; they certainly have ignored many filed by U.S. PIRG and other public interest organizations. They should ignore these self-serving demands to invade the privacy of millions of Americans, raise their phone bills and even threaten their safety.

From that [2011 letter from 56 state and territorial Attorneys General to the House](#), ([http://signon.s3.amazonaws.com/20111207.signon.Final\\_HR3035\\_Letter.pdf](http://signon.s3.amazonaws.com/20111207.signon.Final_HR3035_Letter.pdf)) opposing the wrongheaded [HR 3035](https://www.congress.gov/bill/112th-congress/house-bill/3035) (<https://www.congress.gov/bill/112th-congress/house-bill/3035>), which not only would have allowed robocalls, but would have taken the state consumer cops completely off much of the telephone crime beat:

This language would preempt all state laws concerning junk faxes, unwanted text messages and automated calls...Allowing robocalls to cell phones endangers public safety because of the inevitable increase in calls to wireless phones. Few can resist answering the “shrill and imperious ring” of the wireless telephone while driving. A 2009 study by the National Highway Traffic Safety Administration found that cell phone use was involved in 995 (or 18%) of fatalities in distraction-related crashes. More calls will likely mean more distracted drivers and, inevitably, more accidents.

Here are the [release and letter to FCC Commissioners](http://www.nclc.org/images/pdf/pr-reports/pr_fcc_tcpa2015.pdf) ([http://www.nclc.org/images/pdf/pr-reports/pr\\_fcc\\_tcpa2015.pdf](http://www.nclc.org/images/pdf/pr-reports/pr_fcc_tcpa2015.pdf)) from U.S. PIRG and a coalition led by our colleagues at the National Consumer Law Center and National Association of Consumer Advocates, and others including the Consumer Federation of America, Consumers Union and a total of 83 other consumer groups.

Senator Markey issued a [press release](http://www.markey.senate.gov/news/press-releases/markey-leads-senate-democrats-in-effort-to-protect-consumers-from-unwanted-telemarketing-calls) (<http://www.markey.senate.gov/news/press-releases/markey-leads-senate-democrats-in-effort-to-protect-consumers-from-unwanted-telemarketing-calls>) to accompany his own FCC letter, joined by 13 other Senators including Elizabeth Warren, to the FCC Commissioners. Excerpt from the release:

More than twenty years ago, the Telephone Consumer Protection Act (TCPA) was passed to protect consumers from unsolicited and intrusive telephone calls from telemarketers while families were eating meals together or parents were helping children with homework. Today, with efforts underway by various industries to weaken TCPA and allow auto-dialers to call consumers' mobile devices, Senator Edward J. Markey (D-Mass.) and 13 Senate Democrats joined in a letter calling on the Federal Communications Commission (FCC) to reject any attempts to weaken or undermine the law. Since 2003, more than 223 million Americans have put their phone numbers on the National Do Not Call Registry. Despite having the Registry in place, the Federal Trade Commission reported 3,748,655 telemarketing complaints in 2013, of which at least 58 percent were reported as including a recorded message. **“By banning auto dialing and pre-recorded calls to land lines and mobile phones, with certain exceptions, and establishing the National Do Not Call Registry, the law created a zone of privacy that remains hugely popular with consumers to this day,”** write the Senators in the letter to FCC Chairman Tom Wheeler. **“These protections should continue for years to come. The FCC should reject calls to weaken or undermine this effective law.”**

[Financial Reform \(/topics/financial-reform\)](#)