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February 17, 2015

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

Re: **Notice of Ex Parte – CG Docket No. 02-278**
Consumer Bankers Association

Dear Ms. Dortch:

On February 12 and 13, 2015, Monica Desai of Squire Patton Boggs (US) LLP, on behalf of the Consumer Bankers Association, discussed a recent filing by Neustar[1] related to the Telephone Consumer Protection Act (TCPA)[2] with several FCC staff. On February 12, Ms. Desai spoke with Travis Litman (Legal Advisor, Office of Commissioner Rosenworcel) and, from the Consumer & Governmental Affairs Bureau: Mark Stone (Deputy Bureau Chief), Kurt Schroeder (Division Chief, Consumer Policy Issues), Aaron Garza (Front Office Legal Advisor), and Kristi Lemoine (Legal Advisor, Consumer Policy Division). On February 13, Ms. Desai spoke with Amy Bender (Legal Advisor, Office of Commissioner O'Rielly) and Adonis Hoffman (Legal Advisor, Office of Commissioner Clyburn).

Ms. Desai discussed the pending Petition for Declaratory Ruling filed by the Consumer Bankers Association,[3] requesting clarification that "called party" means "intended recipient" in the context of the statutory defense against TCPA liability provided by Congress for calls made with the "prior express consent of the called party."[4]

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[1] Neustar, Inc. Notice of Ex Parte, CG Docket No. 02-278 (Feb. 5, 2015) ("Neustar Ex Parte").

[2] 47 U.S.C. § 227.

[3] Consumer Bankers Association Petition for Declaratory Ruling, CG Docket No. 02-278 (Sept. 19, 2014) ("CBA Petition").

[4] 47 U.S.C. § 227(b)(1)(A)(iii). This provision holds that it "shall be unlawful for any person within the United States . . . to make any call (other than a call made for emergency purposes

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The Neustar ex parte filing finally puts to rest misleading statements in the record suggesting that there is some sort of database available that would prevent companies from calling a wrong or reassigned number.[5] Neustar confirms that there is not: "Neustar informed the [Consumer and Governmental Affairs Bureau] representatives that it is not aware of any telecommunications industry databases that track all disconnected or reassigned telephone numbers;"[6] and "Neustar told the Commission that it is not aware of any authoritative telecommunications industry database that links all consumer names with their telephone numbers."[7] Numerous other entities have also made this point in the record.[8]

Neustar's expert appraisal of these issues is critical to consider as the FCC evaluates how best to address the issue of reassigned numbers.

Respectfully submitted,

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or made with the prior express consent of the called party) using any automatic telephone dialing system or an artificial or prerecorded voice * * * to any telephone number assigned to a . . . cellular telephone service." (emphasis added).

[5] *See* National Association of Consumer Advocates Notice of Ex Parte, CG Docket No. 02-278, at 2 (Jan. 28, 2015); Comments of the National Consumer Law Center, CG Docket No. 02-278, at 10 (Nov. 17, 2014).

[6] Neustar Ex Parte at 1.

[7] *Id.*

[8] *See, e.g.,* CBA Petition at 9; Reply Comments of Consumer Bankers Association, CG Docket No. 02-278, at 2 (Dec. 1, 2014); Reply Comments of United Healthcare Services, Inc., CG Docket No. 02-278, at 9 (Mar. 24, 2014); Comments of Twitter, Inc., CG Docket No. 02-278, at 1 (Nov. 17, 2014); Comments of ACA International, CG Docket No. 02-278, at 3 (Nov. 17, 2014); Comments of Wells Fargo, CG Docket No. 02-278, at 3 (Oct. 29, 2014). This issue has now been raised in at least five petitions. *See, e.g.,* CBA Petition; Petition for Rulemaking of ACA International, CG Docket No. 02-278 (Jan. 31, 2014); Stage Stores Petition for Expedited Declaratory Ruling, CG Docket No. 02-278 (June 3, 2014); Rubio's Restaurant, Inc. Petition for Expedited Declaratory Ruling, CG Docket No. 02-278 (Aug. 11, 2014); United Healthcare Services, Inc. Petition for Expedited Declaratory Ruling, CG Docket No. 02-278 (Jan. 16, 2014).

cc:
Maria Kirby
Nicholas Degani
Amy Bender
Travis Litman
Adonis Hoffman
Mark Stone
Kurt Schroeder
Aaron Garza
Kristi Lemoine