

Congress of the United States  
Washington, DC 20515

January 8, 2014

Received & Inspected  
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FCC Mail Room  
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The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Wheeler:

We write to request the Federal Communications Commission ("FCC") declare the Telephone Consumer Protection Act ("TCPA") does not restrict research survey calls made by or on behalf of the federal government.

In 1991, TCPA was enacted by Congress to address a growing concern over telemarketing calls and certain practices found to be an invasion of consumer privacy. It includes a number of provisions that make it unlawful for a "person" to use automated telephone systems to place certain types of calls, including calls to wireless telephone numbers. Unfortunately, this law is now being applied inappropriately by those who claim that its provisions restrict research survey calls placed by or on behalf of the federal government. One nonprofit organization, RTI International, has already been sued by a litigant who claimed that the research survey calls it placed on behalf of federal agencies violated the TCPA. Similar suits may follow.

The goal of the TCPA has never been to impede communications from the federal government, especially those that gather data for important government research. The Communications Act defines a "person" as an "individual, partnership, association, joint-stock company, trust or corporation," and federal government agencies fall outside the plain meaning of each of these terms. The Supreme Court has repeatedly held that the term "person" does not include sovereign entities, and the FCC's own regulations implementing the TCPA that apply to a "person or entity" similarly exclude the United States.

Without clarification, additional litigation may threaten policymakers' access to important data, much of which is statutorily mandated. This would reduce the likelihood of informed public policy decisions and make it harder for lawmakers to effectively allocate limited government resources.

Therefore, we respectfully urge the FCC to grant RTI International's Petition for Expedited Declaratory Ruling (CG Docket No. 02-278) and confirm that the TCPA does not restrict research survey calls made by or on behalf of the federal government. These efforts, which help advance the public interest, should not be impeded by the misapplication of a federal statute enacted to address a completely different type of calling activity.

Sincerely,



DAVID PRICE  
Member of Congress



G.K. BUTTERFIELD  
Member of Congress



RENEE ELLMERS  
Member of Congress



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

February 6, 2015

The Honorable Renee Ellmers  
U.S. House of Representatives  
426 Cannon House Office Building  
Washington, D.C. 20515

Dear Congresswoman Ellmers:

Thank you for your letter urging the Commission to act on a Petition for Declaratory Ruling filed by RTI International (RTI), which requests that the Commission clarify that the Telephone Consumer Protection Act (TCPA) does not apply to research survey calls made by or on behalf of the federal government. Your views are very important and will be included in the record of the proceeding and considered as part of the Commission's review.

As you note, in 1991, Congress enacted the TCPA to protect consumers from unwanted autodialed or prerecorded calls. The statute and the Commission's subsequent implementing rules prohibit the use of automatic telephone dialing systems and artificial or prerecorded voice messages to make non-emergency calls without prior express consent to, among others, any mobile telephone service number.

On November 19, 2014, the Commission's Consumer and Governmental Affairs Bureau issued a Public Notice seeking comment on RTI's petition. Comments on issues raised by the petition were due by December 23, 2014, and reply comments were due by January 12, 2015. Commission staff is comprehensively reviewing the record established in this proceeding. Please be assured that we will take into consideration the issues and concerns presented by all stakeholders as the Commission reviews the record as expeditiously as possible.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", written over a horizontal line.

Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

February 6, 2015

The Honorable David E. Price  
U.S. House of Representatives  
2162 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Price:

Thank you for your letter urging the Commission to act on a Petition for Declaratory Ruling filed by RTI International (RTI), which requests that the Commission clarify that the Telephone Consumer Protection Act (TCPA) does not apply to research survey calls made by or on behalf of the federal government. Your views are very important and will be included in the record of the proceeding and considered as part of the Commission's review.

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

February 6, 2015

The Honorable G.K. Butterfield  
U.S. House of Representatives  
2305 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Butterfield:

Thank you for your letter urging the Commission to act on a Petition for Declaratory Ruling filed by RTI International (RTI), which requests that the Commission clarify that the Telephone Consumer Protection Act (TCPA) does not apply to research survey calls made by or on behalf of the federal government. Your views are very important and will be included in the record of the proceeding and considered as part of the Commission's review.

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Tom Wheeler