Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

In the Matter of:

Edison Electric Institute and American Gas Association Petition for Declaratory Ruling confirming that providing a telephone number to a utility constitutes "prior express consent" to receive non-telemarketing calls at that number under the Telephone Consumer Protection Act	)	
	)	CG Docket No. 02- 278
Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991	)	

To: The Commission

REPLY COMMENTS OF GENESYS TELECOMMUNICATIONS LABORATORIES, INC.

Genesys Telecommunications Laboratories, Inc. ("Genesys") strongly supports the well-reasoned and important petition filed by the Edison Electric Institute and the American Gas Association ("Petitioners") requesting that the Federal Communications Commission ("Commission") confirm that providing a telephone number to an energy utility company constitutes "prior express consent" to receive non-telemarketing, informational calls at that number related to the customer's utility service under the Telephone Consumer Protection Act (TCPA).[1] Further, we urge the Commission to clarify that same principle applies to non-telemarketing, informational calls made by all similarly-situated entities.

Since our inception in 1990, Genesys has been a pioneer in advancing customer service. We are a leading provider of customer experience and contact center solutions. With over 3500

[1] *Edison Electric Institute/American Gas Association Petition for Expedited Declaratory Ruling* CG Docket No. 02-278 (February 12, 2015).

customers in 80 countries, Genesys orchestrates more than 100 million customer interactions every day. Genesys helps its clients power optimal customer experiences that deliver consistent, seamless and personalized experiences across all touch-points, channels and interactions.

We have reviewed the comments filed in the petition and were heartened to note that, with one exception,[2] none of the twenty commenters objected to the petitioner's specific request that the Commission confirm that providing a telephone number to an energy utility company constitutes "prior express consent" to receive non-telemarketing, informational calls at that number related to the customer's utility service under the TCPA. We believe that the reasonableness of the petitioners' request shines through in the comments and we note that some energy companies described non-emergency notification services already in place that serve tens of thousands of consumers.[3]

As we review the individual comments on various TCPA-related petitions filed in the last several months[4] we could not find a single commenter that objected to the specific types of notifications offered by the petitioners. Not one. Instead, consumers objected to the scam-associated calls from "Heather at credit card services"; "Microsoft engineering"; or those telling the consumer "the IRS is suing you" and the like. (Some also objected to calls by political campaigns and candidates). This is consistent with the recognition last week by Commissioner O'Rielly that consumers "*appreciate* receiving information as long as it is *timely* and *relevant*"

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[2] The single outlier was Joe Shields views the petition as "a war on privacy in the name of caller efficiency" *Comments of Joe Shields on the EEI and AGA Petition for Declaratory Ruling* CG Docket 02-278 *(March 27, 2015)* at page 5.

[3] *National Grid's Comments in support of Petition for Expedited Declaratory Ruling* CG Docket 02-278 *(March 26, 2015)* at page 3; *Comments of Consolidated Edison of New York and Orange and Rockland Utilities, Inc.* CG Docket 02-278 *(March 26, 2015)* at page 3; *Letter to Commission by Sheree L. Kelly of PSE&G* CG Docket 02-*278 (March 26, 2015)* at page 2.

[4] *United Healthcare Services, Inc. Petition for Declaratory Ruling* CG Docket No. 02-278 (January 16, 2014); and *Consumer Bankers Association Petition for Declaratory Ruling* CG Docket No. 02-278 (September 19, 2014)

and we are heartened by his comment that "[w]e can't paint all legitimate companies with the brush that every call from a private company is harassment."[5]

It is obvious to us that the important distinction between helpful and honest calls like those advocated by the petitioners and the annoying scam calls described above has been lost in much of the record surrounding the TCPA-related petitions. Calls pertaining to important customer service and safety issues, including product recall and warranty, account fraud, identity theft, service cancelation or restoration, etc. should be enabled as a matter of simple fairness and good public policy, especially in an environment that increasing relies on instant mobile communications. It is our hope that in such a reformed environment the plaintiffs' bar will shift its focus away from those who provide good and valuable services.

For these reasons and those set forth in the Petition, Genesys respectfully requests that the Commission confirm that providing a telephone number to an energy utility constitutes "prior express consent" to receive non-telemarketing, informational calls at that number related to the customer's utility service under the TCPA, and that that confirmation be broad enough to include all similarly-situated entities making non-telemarketing, informational calls.

Respectfully submitted,

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Dated: April 10, 2015

[5] *Remarks of Commissioner Michael O'Rielly before the Association of National Advertisers (April 1,2015)*, posted on www.fcc.gov *at page 4*