

May 22, 2015

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**VIA ELECTRONIC DELIVERY**

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, NW  
Washington, DC 20554

**Re: Notice of Ex Parte Presentation – CG Docket No. 02-278**

Dear Ms. Dortch,

On May 20, 2015, Rich Benenson and I (Al Mottur) of Brownstein Hyatt Farber Schreck, LLP, counsel to Nelnet, met with Maria Kirby (Legal Advisor for Media, Consumer and Governmental Affairs, and Enforcement) of the Federal Communications Commission to discuss issues related to the Telephone Consumer Protection Act of 1991 (“TCPA”).

During the meeting, we discussed the lack of clarity under the TCPA, which is negatively impacting Nelnet’s ability to contact student loan borrowers and provide them valuable information about their loans, payments options, and forbearance options, if necessary. We provided an overview of Nelnet and discussed how the company works with borrowers to prevent default. We discussed the problem of a strict liability approach for reassigned numbers, in those cases where the contacting party believes in good faith it was contacting an individual who had consented to such outreach. We also discussed the need for clarity with respect to the definition of automatic telephone dialing system (“ATDS”) in light of technological advances since enactment of TCPA in 1991, and in light of court cases that have expansively defined ATDS beyond the plain language of the statute. And, we discussed the public interest associated with the core aspect of Nelnet’s business – namely, servicing student loans for the federal government, and educating consumers on their options in those instances in which full repayment has become challenging for them. Finally, we discussed the proliferation of litigation that has blossomed in recent years due to the lack of clarity.

Please contact me if you have any questions regarding this matter.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Al Mottur". The signature is fluid and cursive, with the first name "Al" and last name "Mottur" clearly distinguishable.

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