



June 10, 2015

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

Re: Written Ex Parte Communication
*Petition for Expedited Declaratory Ruling of RTI International, Inc.
In the Matter of Rules and Regulations Implementing the Telephone Consumer
Protection Act of 1991, CG Docket No. 02-278*

Dear Ms. Dortch:

Broadnet Teleservices LLC (“Broadnet”) writes to support the petition for expedited declaratory ruling of RTI International, Inc. (“RTI Petition”).¹ The RTI Petition requests that the Federal Communications Commission (“Commission”) confirm that the Telephone Consumer Protection Act (“TCPA”)² and the Commission’s TCPA rules³ do not apply to calls made by or on behalf of the federal government.⁴ In support of the RTI Petition, and to ensure consistent application of the TCPA for constituents at all levels of government, the Commission should declare that the TCPA and the TCPA rules do not apply to calls made by or on behalf of federal, state, and local governments when such calls are made for official purposes.

As the RTI petition states, the TCPA was enacted to protect consumers from harmful and unwanted calls, not to impede government-to-citizen communications.⁵ This is as true at the local and state level as it is at the federal level. For example, with one phone call, government entities and officials using Broadnet’s TeleForum™ technology can invite citizens – from several hundred to hundreds of thousands – to participate in a shared real-time conversation. Federal, state, and local government entities have utilized TeleForum events in myriad ways to connect and communicate with citizens about issues directly impacting their lives. Congressional offices have held TeleForum events with federal agency representatives to provide information on hurricane preparedness, Social Security benefits, Medicare benefits and program requirements, and income tax filing procedures. State and local government officials have used TeleForum events to discuss storm preparedness in Bridgeport, Connecticut and repair efforts after historic flooding in Colorado; K-12 education issues in Texas and in Douglas County, Colorado; and changes in property tax assessments in Philadelphia. Due to uncertainty regarding the TCPA’s application to these calls when made to wireless phone numbers, however,

¹ Petition for Expedited Declaratory Ruling of RTI International, CG Docket No. 02-278 (filed Sept. 29, 2014) (“RTI Petition”).

² 47 U.S.C. § 227.

³ 47 C.F.R. § 64.1200 *et. seq.*

⁴ The RTI Petition states that for the purposes of the petition, “federal government” is intended to include all legislative, judicial, and executive bodies of the United States government, including but not limited to, all federal agencies, boards, bureaus, commissions, councils, and offices. RTI Petition at 1 n. 4.

⁵ *Id.* at 8.

citizens that rely on their wireless phones as their primary, or only, means of telephone communication may be deprived of these opportunities to engage with their government. These citizens include people from many diverse demographic groups, including millennials.⁶ Therefore, Commission action will ensure all citizens have the same opportunities to communicate with their government at all levels.

As the RTI Petition observes, the plain language of the TCPA and the Commission's rules demonstrate that the TCPA does not apply to calls made by or on behalf of the government.⁷ The TCPA and the Commission's rules restrict certain calling activities by a "person,"⁸ which is defined in the Communications Act as an "individual, partnership, association, joint-stock company, trust or corporation."⁹ RTI correctly observes that federal government agencies fall outside the plain meaning of this definition.¹⁰ State and local government agencies likewise are not "individual[s], partnership[s], association[s], joint-stock compan[ies], trust[s] or corporation[s]" and therefore also fall outside of this definition. Accordingly, the Commission should extend the argument made in the RTI Petition to its logical end and declare that the TCPA and the TCPA rules do not apply to calls made by or on behalf of federal, state, and local governments when such calls are made for official purposes.

The intent of the TCPA was to address problems arising from calls made by non-governmental entities, not to restrict government agencies from performing required duties and communicating with constituents. The Commission should grant the RTI petition, and in so doing, take the opportunity to provide clarity for constituents and governmental entities at all levels.

Sincerely,



Daniel Pope
General Counsel

⁶ See *44% of Households in US Are Mobile Only*, Active Media, Apr. 7, 2015, <http://www.activemedia.com/about-am/44-households-us-are-mobile-only>; Stephen Blumberg and Julian Luke, *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, July-December 2013*, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, at 6 (July 2014), <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201407.pdf>.

⁷ RTI Petition at 5-7.

⁸ 47 U.S.C. § 227(b)(1); 47 C.F.R. § 64.1200.

⁹ 47 U.S.C. § 153(39).

¹⁰ RTI Petition at 5.