



June 11, 2015

**Via ECFS**

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

**RE: EX PARTE NOTICE**

**CG Docket No. 02-278:** *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*

Dear Ms. Dortch,

Competitive Carriers Association (CCA) and NTCA – The Rural Broadband Association (NTCA) (together, the Associations) urge the Commission to reaffirm and clarify the existing exemption for certain calls made to wireless subscribers to the prior written consent rules of the Telephone Consumer Protection Act of 1991 (the “TCPA”). Specifically, the Associations ask that the Commission reaffirm that calls made to a wireless customer by his or her wireless carrier when the customer is not charged are not subject to the TCPA.

As CTIA has noted in the record, wireless carriers rely on the current TCPA exemption to provide important information to their subscribers, information that consumers deem valuable because of, for example, cost savings opportunities.<sup>1</sup> Moreover, Congress, in adopting the TCPA, did not intend to prohibit calls by a wireless carrier to its customer when the customer is not charged.<sup>2</sup>

In updating its telemarketing robocall rules in 2012, the Commission left “undisturbed the regulatory framework . . . [of] not requir[ing] prior written consent for calls made to a wireless customer by his or her wireless carrier if the customer is not charged.”<sup>3</sup> However, the Commission required wireless carriers to obtain either written or oral consent for non-telemarketing,

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<sup>1</sup> *Ex Parte* Letter from Krista L. Witanowski, Assistant Vice President Regulatory Affairs, CTIA – The Wireless Association® to Marlene H. Dortch, Secretary, FCC, CG Docket No. 02-278 (filed June 5, 2015).

<sup>2</sup> *2012 TCPA Order* at 1834 ¶ 10.

<sup>3</sup> *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Report and Order, 27 FCC Rcd 1830, 1840-41 ¶ 27 (2012) (“*2012 TCPA Order*”).

informational calls to their subscribers, such as for calls notifying subscribers of their wireless usage.<sup>4</sup> While the Associations believe the language signals that the exemption remains unchanged, out of an abundance of caution, the Associations urge the Commission to expressly reiterate the exemption in the Declaratory Ruling and Order currently being considered for adoption by the Commission, and to clarify the precise scope of the exemption as well.

Pursuant to Section 1.1206 of the Commission's Rules, this *ex parte* presentation is being filed electronically with the Office of the Secretary.

Sincerely,

*/s/ Rebecca Murphy Thompson*

Rebecca Murphy Thompson  
General Counsel  
Competitive Carriers Association

*/s/ Jill Canfield*

Jill Canfield  
Director, Legal and Industry & Assistant  
General Counsel  
NTCA – The Rural Broadband Association

cc (via email): Mark Stone

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<sup>4</sup> *Id.* at 1841 ¶ 28.