

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

Joe Shields Comment on the United Healthcare Services Inc. Ex Parte Presentation

I hereby respectfully file these comments on the Ex Parte letter filed by The U.S. Chamber of Commerce in conjunction with the U.S. Chamber Institute for Legal Reform (hereinafter “Chamber”) with the Commission on June 11th, 2015. In the Ex Parte Presentation Chamber stated that the goal of the Commission’s upcoming action on Chairman Wheeler’s proposals should be: “...to protect businesses against abusive litigation...” Chamber Ex Parte Para. 2 As a threshold matter the TCPA is a consumer protection statute not a business protection statute.

Further, the *ad nauseam* claim that all TCPA litigation is abusive misrepresents the true legal status of TCPA litigation. Such *ad nauseam* claims are made without any legal or factual basis. The *ad nauseam* claim that all TCPA litigation is abusive is a misrepresentation of material fact and calls into question the credibility of the Chamber. These *ad nauseam* claims are an attempt to inappropriately influence Commission members.

As has been repeatedly pointed out to the Commission courts are aptly suited to address any abusive litigation including sanctioning the party engaging in abusive litigation. The Chamber has not provided an iota of evidence supporting their delusional

claim that abusive TCPA litigation is occurring or that any court has ever sanctioned anyone for abusive TCPA litigation.

The Chamber takes lying to the Commission to a whole new level by claiming that: "...many attorneys and individual consumers making their livings through suing companies for any text, call, or facsimile placed to numbers that had been provided to those companies for such communication purposes." Chamber Ex Parte Para. 4

If that were true, which it is obviously not, then such suits would meet the true definition of frivolous and be dismissed by the courts. The Chamber, other than making delusional claims, does not and cannot provide evidence that their claim is based on any legal or factual basis.

Quit often defendants in TCPA litigation claim that a TCPA plaintiff is making a living off of TCPA lawsuits. It is a sick tactic of attorneys to victimize the victim of illegal and abusive automated calling technologies. It is no different than a child rapist claiming that a 12 year old child had "asked" to be raped.

The Chamber goes on to state that:

"And in a growing number of instances, persons who make a living from TCPA demands and lawsuits take advantage of this situation by acquiring new telephone numbers in the hopes of receiving a telephone call or text from a deep-pocket company trying to reach a customer at the customer-provided number." Chamber Ex Parte I Para. 1

What purpose is there in lying to the Commission with such obvious delusional claims? Clearly, the Chamber is attempting to improperly influence Commission members with misrepresentations and lies that have no legal or factual basis.

The Chamber continues with these misrepresentations and lies and states:

“Further, the Chamber notes it has heard from several members that lawsuits are now being brought where a wrong number appears to have been purposefully provided by a new customer, in order to generate calls to a non-customer friend or family member who then brings a TCPA action against the company.” Chamber Ex Parte I Para. 5

I believe the Chamber has fabricated such lawsuits. The Chamber is claiming that TCPA plaintiffs are engaging in fraud similar to staged auto crashes and fraudulent medical claims! I ask where the complaints to the authorities and the courts on this alleged fraud are. The answer to that is there are none!

I challenge the Chamber to provide any proof of the allegations that any individual TCPA plaintiff is making a living off of TCPA lawsuits, that any individual TCPA plaintiff is changing their number repeatedly for the purpose of generating reassigned number claims under the TCPA or that any individual TCPA plaintiff is submitting telephone numbers of fellow conspirators to commit fraud on the courts.

If no proof is forthcoming from the Chamber then I respectfully ask that the Commission on its own motion strike the Ex Parte letter for the misrepresentations of material fact made by the Chamber. Commission inaction will encourage future misrepresentations of material fact by industry¹.

Respectfully submitted,

_____/s/_____

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¹ Many consumers have stopped submitting comments due to the personal attacks made by petitioners and their legal representatives. See Submission for the Record filed 03-27-14 and 04-21-14 regarding the libelous allegations of Mark Brennan the attorney for United Healthcare Services Inc. Mr. Brennan failed to answer the challenge to provide evidence to support his libelous allegations.