

**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 06-10-15 and 06-11-15 Ex Parte Presentations of Vibes**

**Media LLC**

The Ex Parte presentations of Vibes Media LLC (hereinafter “Vibes”) contain the *ad nauseam* claim that all TCPA law suits are frivolous. Vibes Ex Parte Presentation para. 5 and 8. Claiming that all TCPA claims are frivolous is a misrepresentation of the legal status of legitimate TCPA claims. Further, the repeated *ad nauseam* claims by industry that all TCPA claims are frivolous are attempts to inappropriately influence Commission members and employees.

In previous comments it has been repeatedly pointed out to the Commission that if all TCPA cases are frivolous then the Commission needs take no action because the courts are capable of addressing frivolous cases. Since the vast majority of TCPA claims are **not** frivolous then why would anyone stoop to such misrepresentation? The reason is obvious – the misrepresentation is their answer to the effect the TCPA has on the callous and indifferent treatment of cell numbers by every possible industry! Treating cell numbers like landlines has become the norm as the many legitimate TCPA class action claims demonstrate

What is very troubling are the baseless allegations made by some industries without as much as an iota of evidence. Vibes accuses the Manning Law Firm of engaging in fraud:

“For instance, the Manning Law Office in Newport Beach, CA, routinely sends demand letters to companies for alleged TCPA violations. The purported “plaintiffs” appear to be attorneys, paralegals and other staff of the law office who initiate the text messages by affirmatively signing up to receive offers. They wait for multiple texts to arrive and then the Manning Law Office sends a letter with unsupported and inaccurate allegations of TCPA violations.” Vibes Ex Parte Presentation Footnote 6

These allegations, if true, are serious allegations. Yet Vibes does not provide any evidence to support its allegations. Based on the lack of evidence to support the allegations most likely the allegations are fabricated.

Vibes makes another delusional claim in its presentation. Vibes falsely claims that: “...in order to determine if a number has been taken out of service... Vibes relies on customer notification.” As has been pointed out numerous times the infallible method of removing disconnected numbers before they are reassigned will eliminate most reassigned number calls. Further, customer notification is not required by the TCPA or any other law for that matter. Forcing consumers to answer calls and speak to the caller violates the freedom of speech the constitution guarantees.

Consumers are not required to provide any business with notice that a customer’s number has been disconnected or reassigned. It is impossible for consumers to know when their old cell phone number has been reassigned.

The claim that carriers maintain a disconnected number list is equally ridiculous.

Vibes regurgitates support for ridiculous restrictions on how consent can be revoked. The ridiculous proposal is based entirely on the caller’s convenience. The impact on consumers is never taken into consideration.

The Commission should reject all comments that claim that TCPA lawsuits are frivolous. The Commission should reject all comments containing baseless allegations solely meant to improperly influence and prejudice Commission members and employees.

The Commission must deny any proposals to limit how consumers can revoke consent.

Respectfully submitted,

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