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June 17, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

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

Dear Chairman Wheeler:

The Rainbow PUSH Coalition (RPC) urges the Commission to declare under the Telephone Consumer Protection Act ("TCPA") that energy utility companies be allowed to make non-telemarketing, informational calls to their customers regarding their utility service if their telephone number is provided under "prior express consent."

Low-income households, especially those in urban and minority communities, are more likely to have utility service interruptions due to slow or non-payment, man-made or natural disasters. These same households are also more reliant upon their wireless phones as their primary source of communications, making it even more imperative that they receive appropriate notice, especially before, during and after emergency situations.

In its 2012 *Robocalls Report and Order*, the Commission revised its interpretation of the TCPA and mandated that "prior express written consent is required for all autodialed or prerecorded telemarketing calls made to wireless numbers and residential lines." Unfortunately, the Commission's specialized TCPA telemarketing rules do not make clear whether or not utility companies can make emergency and informational calls to their customers who solely rely upon wireless phones as their means of communications. Moreover, the Commission has not confirmed whether providing a wireless telephone number to a utility company constitutes "prior express consent" to receive emergency and non-telemarketing informational calls.

The Rainbow PUSH Coalition recommends that the Commission consider clarifying the TCPA requirements on the delivery of utility alerts via wireless communications in the above instances. With recent flood disasters in Texas and Oklahoma and as we approach the tenth anniversary of Hurricane Katrina, vulnerable populations must receive emergency and informational calls to mitigate risks to public safety. Equally important is the ability of low-income consumers to be appropriately alerted in a timely fashion to avoid and at least manage service disruptions.

We, therefore, ask the Commission to clarify that utility companies have the authority to contact their customers on wireless cell phones through autodialed and prerecorded telephone calls, including automated text messaging, when given "prior express consent" during the following circumstances: (a) alerts about planned or unplanned service outages; (b) status updates about outages or service restoration; (c) confirmation of service restoration or information about service disruptions; (d) notification of meter work, tree-trimming, or other maintenance work in the field; (e) eligibility for special rates or services, such as medical, disability, or low-income rates, programs and services; (f) information about payment or other account status issues; and (g) notifications about time-of-use pricing and other demand response programs or events.

The planned TCPA reform should properly shield consumers from unwarranted and potential harms from bad actors, such as debt collectors and marketers. In the case of utility alert management, we believe that low-income consumers should have access to this information so that they can appropriately manage and plan for service disruptions.

We look forward to working with the Commission on this matter.

Respectfully submitted,

Reverend Jesse L. Jackson, Sr.
Founder & President