



OCT 21 2015

STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

RICK SCOTT
Governor

BRYAN W. KOON
Director

October 13, 2015

EX PARTE OR LATE FILED

Marlene H. Dortch
Secretary
Federal Communications Commission
455 Twelfth Street, S.W.
Washington, DC 20554

RE: Ex-parte Communication

In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 ("TCPA"): Edison Electric Institute ("EEI") and American Gas Association Petition for Expedited Declaratory Ruling dated February 12, 2015 (the "Petition") CG Docket No. 02-278

Dear Ms. Dortch:

The Florida Division of Emergency Management respectfully submits this *ex-parte* communication in support of the EEI Petition, referenced above, that seeks a ruling that providing a number to a utility constitutes prior express consent to receive non-telemarketing, informational calls and texts at such number that relate to the customer's utility service. This clarification is particularly important in Florida, where major weather events such as hurricanes and tropical storms can have a significant impact on residents.

The Florida Division of Emergency Management is Florida's liaison with federal and local agencies on emergencies of all kinds. Our mission is to ensure that Florida is prepared to respond to emergencies, recover from them, and mitigate against their impacts. Our Division plans for and responds to both natural and man-made disasters, including storms, floods and hurricanes. We also prepare and implement a statewide Comprehensive Emergency Management Plan, and routinely conduct extensive exercises to test state and county emergency response capabilities. Our staff members provide technical assistance to local governments as they prepare emergency plans and procedures, and they conduct emergency operations training for state and local governmental agencies.

Many states have mandated customer notifications regarding storm alerts, outage notifications, and service restoration. Florida strongly encourages such communications, and most utilities in our state have established extensive processes to provide pre- and post-storm utility communications and notice before major events. Text notification campaigns have proven to be a very effective method for utility companies to communicate with customers, especially during and after service interruptions. Many customers lack

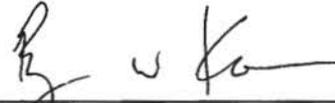
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access to wired telephones during major storms due to power outages and, therefore, wireless is their only mode of communications. Communications to cell phones are particularly useful during major hurricanes and tropical storms when many customers evacuate their homes and, thus, can be reached most easily by text message.

Many of the communications that utilities make to their customers before, during and after major storms are probably emergency communications and, therefore, exempt from TCPA requirements, but the law is not clear as to where to draw the line between emergency calls under the TCPA, and other calls that may not be an emergency but do contain critical information consumers want. This lack of clarity may result in a utilities reluctance to use text messaging due to risk of fines and litigation under the TCPA, and may deter such companies from using their best practices to deliver vital information to utility customers.

For these reasons, and in keeping with the mission of the Florida Division of Emergency Management to keep our residents safe, we support the EEI Petition and urge the Commission to act quickly to provide the requested relief so that Florida utilities can effectively communicate with their customers during storm season.

Respectfully submitted,



Bryan Koon
Director