

This comment is submitted in support of the Petition of Broadnet Teleservices LLC for Declaratory Ruling, CG Docket No. 02-278 filed on September 16, 2015, in which Petitioner asserts that the Telephone Consumer Protection Act (TCPA) and the Commission's implementing rules do not apply to calls made by or on behalf of federal, state, and local governments when such calls are made for official purposes.

It is imperative that the Commission allow a declaratory ruling, and exempt federal, state and local governments (and service contractors) from the provisions TCPA and the Commission's implementing rules in order to preserve the ability of state and local child support enforcement agencies to continue unfettered use of all telephonic means of communication with those for whom they are providing child support enforcement services as well as with those who are required to make court ordered child support payments. Without this continued ability to use all such telephonic means as necessary to communicate with clients and those who are required to pay child support, the ultimate result could be a decline in the ability of state and local governmental child support agencies to facilitate resources to families throughout the United States.

Additionally, [if] state and local governmental child support enforcement agencies are required to comply with the TCPA and its implementing rules, it will require a number of costly and time consuming operational and automated changes. These costs would come at a time when governmental child support enforcement agencies are facing reduced funding and staff. Usage of these types of technology help agencies (and service contractors) stem cost. Funds for updating child support systems to accommodate such ruling would be far better spent within governmental child support enforcement agencies on activities and staff that can increase child support enforcement rather than on changes that interfere with and limit such enforcement.

Also, among these governmental child support agencies, there have been many recent discussions about the TCPA and the Commission's implementing rules. It has been a surprise to them that the Commission may have ever intended that the law and rules pertaining to telephonic communications might apply to state and federal governmental child support enforcement agencies. Enforcement of court ordered child support obligations by governmental child support agencies does not involve a commercial contract in which a debtor-creditor relationship is established. Accordingly, Commission rules governing telephonic practices relating to a commercial debtor-creditor relationships should not apply to governmental entities who are enforcing court ordered child support.

Governmental child support enforcement agencies operate under both federal and state laws designed specifically for the role of establishing and enforcing child support obligations. The TCPA and its implementing rules do not contemplate the unique relationships and practices that occur in the establishment and enforcement of child support obligations and are best left to those laws and regulations that have been developed and implemented specific to governmental child support enforcement agencies.

In summary, the Commission should make a Declaratory ruling that the TCPA and the Commission's implementing rules do not apply to calls made by or on behalf of federal, state, and local governments when such calls are made for official purposes and should also consider totally exempting governmental child support enforcement agencies from the TCPA and all implementing regulations.