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February 4, 2016

EX PARTE

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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

Dear Ms. Dortch:

On February 2, 2016, Aryeh Fishman of Edison Electric Institute ("EEI") and I met with Travis Litman and Jennifer Thompson of Commissioner Rosenworcel's office.

We discussed EEI's pending Petition for Expedited Declaratory Ruling filed in this docket on February 12, 2015, and modified by our ex parte letter of June 9, 2015.[1] In particular, we described the ways in which the utility industry's petition is unique, including: (1) EEI's members are highly regulated public utilities whose industry defines the phrase "critical infrastructure;" (2) there is clear evidence in the record that consumers want to receive communications about their utility service; and (3) utilities are pervasively regulated by state commissions which are capable of limiting the list of calls permitted under the TCPA if they deem it appropriate. We also discussed that EEI's proposed legal theory, based on consent, is the best approach to the categories of calls raised in its petition.

Pursuant to the FCC's rules, I have filed a copy of this notice electronically in the above-noted proceedings. If you require any additional information please contact the undersigned.

Respectfully submitted,

Jennifer P. Bagg
Counsel to the Edison Electric Institute.

cc: meeting participants

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[1] Petition for Expedited Declaratory Ruling of Edison Electric Institute and American Gas Association, CG Docket No. 02-278 (filed Feb. 12, 2015); Letter from Scott Blake Harris, Counsel, EEI to Marlene Dortch, Secretary, FCC, CG Docket No. 02-278 (filed June 9, 2015).