

ROBERT E. LATTA
5TH DISTRICT, OHIO

DEPUTY WHIP

COMMITTEE ON
ENERGY AND COMMERCE

SUBCOMMITTEE ON
COMMUNICATIONS AND TECHNOLOGY
VICE CHAIRMAN

SUBCOMMITTEE ON
ENERGY AND POWER

SUBCOMMITTEE ON
ENVIRONMENT AND THE ECONOMY

Congress of the United States
House of Representatives
Washington, DC 20515-3505

WASHINGTON OFFICE:
2448 RAYBURN HOUSE OFFICE BUILDING
(202) 225-6405

DISTRICT OFFICES:
1045 NORTH MAIN STREET
SUITE 6
BOWLING GREEN, OH 43402
(419) 354-8700

101 CLINTON STREET
SUITE 1200
DEFIANCE, OH 43512
(419) 782-1996

318 DORNEY PLAZA
ROOM 302
FINDLAY, OH 45840
(419) 422-7791

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February 17, 2016

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th St. SW
Washington, D.C. 20554

Dear Chairman Wheeler:

Thank you for recently taking time out of your busy schedule to speak to the members of the Rural Telecommunications Working Group. I write today to follow-up on our discussion regarding telephone townhalls. A recent Supreme Court case requires the FCC to revisit its FAQ on its guidance to members of Congress on telephone townhalls.

As you recall, there was confusion regarding the legality of telephone townhalls following a House Energy and Commerce hearing on July 28, 2015. Immediately following that hearing, the FCC issued an FAQ document advising Members that telephone townhalls are in fact permissible, but making such calls to mobile phones is illegal under the TCPA. The TCPA, by its very language, makes clear that the statute does not apply to governmental entities in its definition of a "person" which includes an "individual, partnership, joint-stock company, trust or corporation." Further, in its recent *Campbell-Ewald v. Gomez* decision issued on January 20, 2016, the Supreme Court acknowledged that the TCPA does not apply to the United States Government and its agencies or to contractors working on behalf of, and as directed by, the government.

As members of Congress strive to better communicate with our constituents, I urge the FCC to take swift action to rectify these inconsistencies. Thank you in advance for your time and consideration. I look forward to your reply.

Sincerely,



Robert E. Latta
Member of Congress

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