

April 28, 2016

VIA ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TWA325
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentation
CG Docket No. 02-278**

Dear Ms. Dortch:

On April 26, 2016, the following individuals met with David Grossman, Chief of Staff to Commissioner Clyburn, on behalf of Navient Corp. (“Navient”): Sarah Ducich, Senior Vice President of Public Policy, Navient; Carmen Guzman Lowrey, Vice President of Federal Affairs, Navient; Chaka Burgess, Consultant to Navient; and Mark W. Brennan and Wesley B. Platt of Hogan Lovells US LLP, counsel to Navient. We discussed the Federal Communications Commission’s (“FCC” or “Commission”) implementation of Section 301 of the Bipartisan Budget Act of 2015,¹ which exempts calls to wireless numbers made “solely to collect a debt owed to or guaranteed by the United States” from the Telephone Consumer Protection Act’s (“TCPA”) technology-based “prior express consent” restriction.²

During the meeting, we explained that personal contact is critical for helping federal student loan borrowers resolve delinquencies and prevent default. The federal student loan landscape is far more complex now than it was 25 years ago, and many distressed borrowers are not fully aware of the numerous federal student loan repayment options.³ Personal contact is key to discussing these increasingly numerous repayment, deferment, or forbearance solutions. In fact, Navient is able to help **more than 90 percent** of student loan borrowers avoid default when it is able to have a conversation with them.

Telephone conversations, in particular, play a crucial role in helping student loan borrowers resolve delinquencies and avoid defaults. For example, Navient’s recent tests found that previously-delinquent borrowers were **50 percent more likely** to successfully complete the income-driven

¹ Bipartisan Budget Act of 2015, Pub. L. No. 114-74, § 301(a)(2)(H), 129 Stat. 584 (2015).

² See 47 U.S.C. § 227(b)(1).

³ For example, there are now 15 different repayment plan options, including those that allow monthly payments to be based on income and set as low as \$0/month. Borrowers also now have multiple forbearance and forgiveness options. See, e.g., Letter from Mark W. Brennan, Counsel to Navient, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 02-278, at 2 (filed Mar. 29, 2016).

repayment plan enrollment process when Navient performed telephone outreach to help guide them through this process.⁴ Meanwhile, 90 percent of the borrowers who default on their federal student loans have not had a telephone conversation with Navient about their delinquent accounts – despite Navient’s best efforts to reach them. Consequently, any limit on the “number” of calls allowed to collect federal student loan debt under the exemption should focus on calls that result in a live contact rather than call attempts.⁵

Additionally, given the federal government’s interest in promoting income-driven repayment plans to help borrowers avoid default, Navient may receive requests from federal government agencies to make more than three call attempts per month to collect a debt owed to or guaranteed by the United States. The Commission should not restrict Navient from complying with such requests.

Pursuant to Section 1.1206(b) of the Commission’s rules, I am filing this notice electronically in the above-referenced docket. Please contact me directly with any questions.

Respectfully submitted,

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cc: David Grossman

⁴ Under an income-driven repayment plan, a federal student loan borrower’s monthly payments are tied to her income and can be as low as \$0. *See, e.g., id.* at 1-2.

⁵ Navient continues to believe that proposing a specific numerical limit in the upcoming Notice of Proposed Rulemaking is unnecessary. Such a proposal would also be premature given the lack of information in the record of this proceeding about this issue. *See, e.g., id.* at 3.