



NEW HAMPSHIRE HIGHER EDUCATION ASSISTANCE FOUNDATION
GRANITE STATE MANAGEMENT & RESOURCES
NEW HAMPSHIRE HIGHER EDUCATION LOAN CORPORATION

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Secretary Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street SW, Room TW-A325
Washington, DC 20554

RE: Comments to Notice of Proposed Rulemaking – CG Docket No. 02-278, FCC 16-57

Dear Ms. Dortch:

On behalf of The NHHEAF Network Organizations, we are writing to express our agreement with and support of the comments submitted by Education Finance Council (EFC) in response to the Federal Communications Commission's (the Commission) Notice of Proposed Rulemaking (NPRM) revising rules under the Telephone Consumer Protection Act (TCPA) to implement a provision of the Bipartisan Budget Act of 2015 (BBA) that exempts from TCPA's prior-express-consent requirement autodialed and prerecorded calls "made solely to collect debt owed to or guaranteed by the United States." EFC is the national trade association representing nonprofit and state-based education loan organizations including The NHHEAF Network Organizations.

The NHHEAF Network Organizations agrees with the following comments and proposals submitted by EFC:

- Federal student loan debt is a unique class of debt, and the student loan borrower population is most likely to live in a household with only wireless telephones. Therefore, federal student loan debt should be addressed separately from other forms of federal debt with regards to the provisions of the TCPA.
- The NHHEAF Network Organizations agrees with the Commission's proposal that federal student loan servicing calls, including those for the legacy FFELP portfolio, are debt collection calls, and therefore should be included under the BBA's exception to the TCPA.
- The NHHEAF Network Organizations disagrees with the Commission's proposal to exclude calls to borrowers who are not delinquent. The NHHEAF Network Organizations proposes an expansion of the trigger event for student loan servicing to allow for calls to the debtor any time there is a pending change in loan status, a regulatory deadline approaching, or an action required by the borrower, all of which may and do occur prior to delinquency.
- The Commission's proposal also includes an arbitrary limit on the number of call attempts to delinquent borrowers that is far too restrictive to meet the Administration's and Congress's goals. In general, it takes several call attempts simply to establish live contact with a borrower, and multiple live contacts to help the borrower enroll in an appropriate repayment plan or rehabilitation program to resolve their delinquency or default. However, the NPRM sets a maximum limit of three call attempts per month. Under this three-call

NHHEAF
PO Box 877
Concord, New Hampshire 03302
800.525.2577 / 603.225.6612

NHHELCO
PO Box 2111
Concord, New Hampshire 03302
800.330.0787 / 603.226.5829

GSM&R
PO Box 2111
Concord, New Hampshire 03302
800.719.0708 / 603.225.5867

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attempt limit, servicers and collectors will, in most instances, be unable to make live contact with a borrower before it's too late to help avoid delinquency or default, or to help those in default to rehabilitate their loans.

- The NHHEAF Network Organizations supports EFC's proposal regarding call frequency and duration, in which contact attempts may not exceed nine (9) in any consecutive seven-day period. Calls resulting in a live conversation regarding the servicing or collection of federal student loan debt must **not** be limited in duration as this would curtail the servicers' ability to properly explain the various unique and often complex options available to resolve federal student loan delinquency and default, and to gather the factual information needed to help the consumer reach the option best suited for his or her individual circumstance.
- The NHHEAF Network Organizations opposes the Commission's proposals that further restrict calls to landlines, residential lines, or other telephone services. The BBA does not provide the Commission the authority to do so.

The NHHEAF Network Organizations urges the Commission to issue common sense final regulations that take into account the unique status of the federal student loan programs and the unique role that federal student loan servicers play in engaging borrowers to successfully repay their federal student loan debt.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'R' followed by a long horizontal line extending to the right.

René A. Drouin
President & CEO