PROGRESSIVE
FINANCIAL SERVICES INC

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APR 17 2006
FCC - MAILROOM

April 10, 2006

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: CG Docket No. 02-278

I am an employee of Progressive Financial Services, Inc. Our address is 1919 W. Fairmont Dr, Building 8, Tempe, Arizona 85054. I do not perform telemarketing services. Rather we are a Collection Agency. The purpose of this correspondence is twofold. First, I wish to make you aware my business has been substantially harmed as a result of the Federal Communications Commission's (FCC) 2003 regulatory decision to expand the definition of autodialer beyond its statutory definition. Second, I urge you as the chair of the FCC to ask the commission to grant ACA International's (ACA) request for regulatory clarification in favor of the industry as well as all consumers who lawfully pay for goods and services they have purchased.

As you know, the Telephone Consumer Protection Act (TCPA) was passed in 1991. This law was designed to protect consumers from invasive calls from telemarketers. One of the provisions of the TCPA prohibits the use of an autodialer to communicate with a consumer by way of their cell phone.[1] Between 1991 and 2003, the FCC consistently ruled that this autodialer prohibition did not apply to calls made using an autodialer *if the sole purpose of the calls was to recover payments for goods and services already purchased.*

But in July 2003, the FCC took a dramatic shift in its position about the applicability of the autodialer prohibition to the credit and collection industry when it expanded the statutory definition of autodialer to include predictive dialers. By expanding the definition of autodialer and failing to restate the commission's prior rulings that calls made by creditors and debt collectors to consumers' about their past due payment obligations by way of their cell phones were not subject to the autodialer prohibition, the FCC inadvertently brought calls my company makes for the sole purpose of recovering past due payment obligations from consumers within the scope of the regulation. This shift in policy has caused my business substantial harm. We recently spent over $300,000.00 purchasing a new auto dialer to assist in collecting defaulted Student Loan account for the United States Department of Education. If we are not able to use this equipment in our collections efforts it will directly impact the amount of money we are able to return to the US Department of Education, and by extension the amount of money

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Sincerely,

JBurns

Jessica Burns

cc: ACA International

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Paul Henderson

cc: ACA International

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Randall G Foster

cc: ACA International

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Brandi L. Lawver

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cc: ACA International

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Jeremy Maggard

cc: ACA International

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April 10, 2006

Chairman Kevin J. Martin
Federal Communications Commission
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Washington, D.C. 20554

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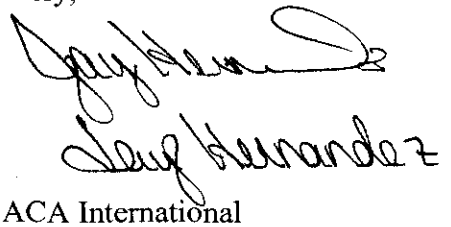

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cc: ACA International

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Bryan Gaona

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cc: ACA International

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