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LAW OFFICE OF CURTIS O BARNES

May 9, 2006

DOCKET FILE COPY ORIGINAL

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

**RE: CG Docket No. 02-278**

My name is Gregory Barnes and I am the CIO/CSO/Vice President of the Law Office of Curtis O Barnes, PC ("LOCOB") located in Anaheim, California and Columbus, Ohio. We do not perform telemarketing services. LOCOB is a collection law firm where I am the Chief Internal Officer.

The purpose of this correspondence is twofold. First, I wish to make you aware our 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 that 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.<sup>1</sup> 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. The loss of the use of the predictive dialer can easily reduce the number of daily representative contacts by a factor of three or four. This translates in to correspondingly less money collected.

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<sup>1</sup> The TCPA defines an autodialer as, "equipment which has the capacity to store or produce telephone numbers to be called, using a random or sequential number generator; and to dial such numbers."

I am aware ACA has filed a Petition for an Expedited Ruling regarding this issue in proceeding CG Docket No. 02-278 with the commission. I fully support ACA's petition and the relief requested, including ACA's statement of the harm to business and the federal and state governments as a result of the FCC's rule. I believe that the FCC should not uphold an unsupportable and damaging regulatory interpretation that will encourage the evasion and non-payment of debts by prohibiting the use of autodialers to telephone consumers by way of their cell phones. To do so is contrary to the intent of Congress and all prior rulings of the FCC between 1991 and 2003 concerning this issue.

In the specific context of recovering payments, I use predictive dialers to complete transactions for which consumers have obtained a benefit, without payment. They are not used – nor do they have the capacity to be used – to randomly solicit customers to make purchases or advertise goods. In fact, autodialer technology is the most accurate way for me to call consumers about their past due payment obligations. Autodialers increase the accuracy of dialed numbers and also restrict calls to the permitted calling times in the time zone of the consumer.

If the FCC's 2003 regulatory definition of autodialer is allowed to stand, creditors and their debt collection agents face the devastating loss of an essential technological tool, namely the autodialer. It cannot be overstated that autodialer technology is directly or indirectly responsible for returning tens of billions of dollars each year to the U.S. economy. Banning their use in this limited context would not only be inconsistent with Congress' intent, but it would be an unconscionable interference with creditors' ability to request payment from its own customers. Additionally, one of the largest creditors in the United States is the federal government. If the FCC does not clarify that the autodialer prohibition does not apply to those making calls to collect past due payment obligations, the federal government will be forced to discontinue its use of autodialers to recover past due payment obligations from tax payers. Such a result would be devastating to the federal government, including the FCC, Department of the Treasury, Department of Education and the Internal Revenue Service and cause all citizens who lawfully pay their federal taxes and other payments owed to the federal government to suffer substantial harm. The loss of use of the autodialer will have similar adverse impact on the state and local governments in California and Ohio.

The TCPA was enacted to protect consumers from unsolicited advertisements and telemarketing calls. The TCPA's prohibition against the use of autodialers to contact consumers by way of their cell phones was specifically intended to protect consumers from incurring charges as a result of unwarranted telemarketing calls being made to their wireless phones about products or services *to be purchased in the future*. There was never any intention on the part of Congress to prohibit creditors and collection agencies from being able to contact consumers on their wireless phones about *a past due payment obligation for goods and services already purchased and received*.

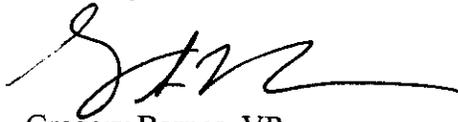
Wireless phone usage has grown exponentially since 1991 when the TCPA was enacted. Today, more than one out of every five Americans under the age of 35 does not have a landline phone and instead uses a wireless phone as their exclusive means of telephonic communication. Furthermore, the per minute cost of cellular communication has

dramatically fallen since 1991. So much so that in many cases it is less expensive to have cellular service than a land line.

As it stands today, my business, along with thousands of others, face serious financial hardship due to the FCC's regulatory reversal. The FCC's rule needlessly subjects us to federal enforcement and private litigation, even though Congress never intended such an outcome.

For these reasons, the FCC should promptly clarify that autodialer calls to wireless numbers solely to recover payment obligations are not covered by the TCPA regulations for the reasons expressed above and by the ACA.

Sincerely,

A handwritten signature in black ink, appearing to read 'G Barnes', with a long horizontal flourish extending to the right.

Gregory Barnes, VP

cc: ACA International

---

LAW OFFICE OF CURTIS O BARNES

2006 MAY 15 P 2: 16

May 9, 2006

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

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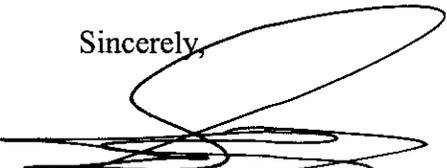
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For these reasons, the FCC should promptly clarify that autodialer calls to wireless numbers solely to recover payment obligations are not covered by the TCPA regulations for the reasons expressed above and by the ACA.

Sincerely,



Curtis O. Barnes, Esq.

cc: ACA International

May 10, 2006

Ms. Kelli Farmer  
Consumer and Governmental Affairs Bureau, Policy Division  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room 5-A866  
Washington, DC 20554

RE: CG Docket No. 02-278

Dear Ms. Farmer:

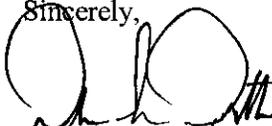
*College Access Network* is the designated guarantor for the State of Colorado and annually guarantees \$4.3 billion in Federal Family Education Loan (FFEL) Program loans. The FFEL Program is the largest Federal student loan program. As one of the nation's thirty-five guarantors, *College Access Network* is responsible for administering all aspects of the FFEL Program, including performing vigorous default prevention activities and collecting defaulted student loans.

I am writing in response to your office's call for comment on ACA International's Petition for an Expedited Clarification and Declaratory Ruling Concerning the Telephone Consumer Protection Act (TCPA) Rules (CG Docket No. 02-278). *College Access Network* has read the ACA petition and concurs with its basic premise that Federal law and corresponding FCC regulations concerning the prohibited use of autodialers by telemarketers to contact borrowers on cellular telephones were never intended to and should not apply to creditors and collectors attempting to recover payments for goods and services already purchased. Failure by the FCC to clarify this position will be detrimental to our agency and the Federal student loan program as a whole.

In Federal fiscal year 2005, we recovered over \$20.7 million in defaulted student loans. More importantly, *College Access Network* prevented nearly \$565 million from defaulting by contacting delinquent student loan borrowers and counseling them on the many repayment options available under the FFEL Program. The inability to use autodialer technology would not only lead to reduced default recoveries and increased defaults, but thousands of borrowers who otherwise may have brought their accounts current will suffer the negative ramifications of student loan default. These are real dollar and human costs, and they can be avoided by the proper FCC declaratory ruling in favor of the ACA petition.

*College Access Network* respectfully requests that the Commission issue a declaratory ruling clarifying that 47 C.F.R. § 64.1200(a)(1)(iii) does not apply to creditors and collectors when calling telephone numbers to recover payments for goods and services received by consumers and that the 2003 TCPA rulemaking did not alter the Commission's previous findings that calls to recover debts are not subject to the TCPA's autodialer restrictions.

Sincerely,



Debra L. DeMuth  
Director

**SAMUEL HODSON  
3871 SOUTHWIND TERRACE  
GREENWOOD, IN 46142**

DOCKET FILE COPY ORIGINAL

2006 MAY 15 P 2: 22

May 10, 2006

**VIA FIRST CLASS MAIL**

Mr. Kevin J. Martin  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

**RE: CG Docket No. 02-278**

Dear Mr. Martin:

I am an attorney who practices in the areas of bankruptcy and commercial law. Most of my work is representing creditors. I received an e-mail from the Creditor's Rights Section of the Commercial Law League of America urging me to send you some version of the enclosed letter. I do not support the CLLA position in this matter and thought you may want to know that your mail may include many versions of the enclosed letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Samuel Hodson', with a long horizontal stroke extending to the left.

Samuel Hodson

SH:bjr  
Enclosure

## Your Letterhead

Date

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

### **RE: CG Docket No. 02-278**

My name is (insert name), and I am the (insert title) of (insert company name) located in (insert state). I am a member of the Commercial Law League of America (CLLA). I do not perform telemarketing services. Rather I am a (insert type of business e.g. , collection agency, attorney, and/or debt collector, etc.) 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 support the CLLA, ACA International (ACA), National Association of Retail Collection Attorneys, NARCA and other industry associations and 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.

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I am aware a Petition for an Expedited Ruling has been filed regarding this issue in proceeding CG Docket No. 02-278 with the commission. I fully support this petition and the relief requested, including the statement of the harm to business and the federal and state governments as a result of the FCC's rule. I believe that the FCC should not uphold

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an unsupportable and damaging regulatory interpretation that will encourage the evasion and non-payment of debts by prohibiting the use of autodialers to telephone consumers by way of their cell phones. To do so is contrary to the intent of Congress and all prior rulings of the FCC between 1991 and 2003 concerning this issue.

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Moreover, wireless phone usage has grown exponentially since 1991 when the TCPA was enacted. Today, more than one out of every five Americans under the age of 35 does not have a landline phone and instead uses a wireless phone as their exclusive means of telephonic communication. If allowed to stand, the long-term consequences of the FCC's decision are foreboding at best.

As it stands today, my business, along with thousands of others, face serious financial hardship due to the FCC's regulatory reversal. The FCC's rule needlessly subjects us to federal enforcement and private litigation, even though Congress never intended such an outcome.

For these reasons, the FCC should promptly clarify that autodialer calls to wireless numbers solely to recover payment obligations are not covered by the TCPA regulations.

Sincerely,

Your Name  
Your Title  
Your Company

cc: CLLA



May 9, 2006

2006 MAY 15 P 2: 22

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

DOCKET FILE COPY ORIGINAL

**RE: CG Docket No. 02-278**

My name is Dean Richardson, and I am the Vice President of Ascension Recovery Management located in Valencia, California. I am a member of the Commercial Law League of America (CLLA). I do not perform telemarketing services. We operate 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 support the CLLA, ACA International (ACA), National Association of Retail Collection Attorneys, NARCA and other industry associations and 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.

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Sincerely,

A handwritten signature in cursive script that reads "Dean Richardson".

Dean Richardson  
Vice President  
Ascension Recovery Management  
(661)702-0080

cc: CLLA



EST. 1930

# Caine & Weiner

15025 OXNARD ST., SUITE #100  
VAN NUYS, CA 91411

P.O. BOX 8500  
VAN NUYS, CA 91409-8500  
TEL: (818) 908-2121  
FAX: (818) 908-2124

2006 MAY 15 P 2:21

May 8, 2006

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Chairman Kevin J. Martin  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: CG Docket No. 02-278

My name is Robert Caine, and I am the CEO of Caine & Weiner Company, Inc. located in California. I am a member of the Commercial Law League of America (CLLA). I do not perform telemarketing services. Rather I am the owner of 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 support the CLLA, ACA International (ACA), National Association of Retail Collection Attorneys, NARCA, and other industry associations and 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.

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## Accounts Receivable Management and Collection Services

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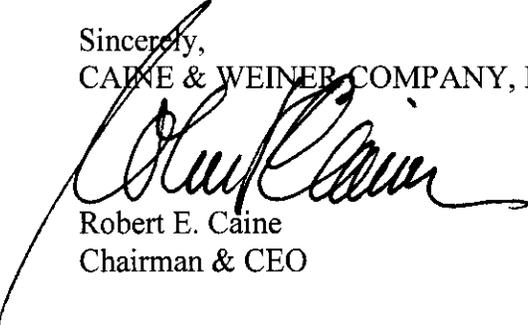
The TCPA was enacted to protect consumers from unsolicited advertisements and telemarketing calls. The TCPA's prohibition against the use of autodialers to contact consumers by way of their cell phones was specifically intended to protect consumers from incurring charges as a result of unwarranted telemarketing calls being made to their wireless phones about products or services *to be purchased in the future*. There was never any intention on the part of Congress to prohibit creditors and their retained collection agencies from being able to contact consumers on their wireless phones about *a past due payment obligation for goods and services already purchased and received*.

Moreover, wireless phone usage has grown exponentially since 1991 when the TCPA was enacted. Today, more than one out of every five Americans under the age of 35 does not have a landline phone and instead uses a wireless phone as their exclusive means of telephonic communication. If allowed to stand, the long-term consequences of the FCC's decision are foreboding at best.

As it stands today, my business, along with thousands of others, face serious financial hardship due to the FCC's regulatory reversal. The FCC's rule needlessly subjects us to federal enforcement and private litigation, even though Congress never intended such an outcome.

For these reasons, the FCC should promptly clarify that autodialer calls to wireless numbers solely to recover payment obligations are not covered by the TCPA regulations.

Sincerely,  
CAINE & WEINER COMPANY, INC.



Robert E. Caine  
Chairman & CEO

REC:sc  
CC: CLLA



# CISCO, Inc.

1702 TOWNHURST DR.  
HOUSTON, TEXAS 77043  
(713) 461-9407

P.O. BOX 801088  
HOUSTON, TEXAS 77280-1088  
(800) 231-3686  
FAX: (713) 461-2432



2006 MAY 15 P 2: 21

May 9, 2006

DOCKED TELE COPY ORIGINAL

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

**RE: CG Docket No. 02-278**

My name is Ross K. Turner, and I am the CEO of Cisco Inc. located in Texas. I am a member of the Commercial Law League of America (CLLA). I do not perform telemarketing services. Rather I am 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 support the CLLA, ACA International (ACA), National Association of Retail Collection Attorneys, NARCA and other industry associations and 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.<sup>1</sup> 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.

I am aware a Petition for an Expedited Ruling has been filed regarding this issue in proceeding CG Docket No. 02-278 with the commission. I fully support this petition and the relief requested, including the statement of the harm to business and the federal and state governments as a result of the FCC's rule. I believe that the FCC should not uphold an unsupportable and damaging regulatory interpretation that will encourage the evasion and non-payment of debts by prohibiting the use of autodialers to telephone consumers by way of their cell phones. To do so is contrary to the intent of Congress and all prior rulings of the FCC between 1991 and 2003 concerning this issue.

In the specific context of recovering payments, I use predictive dialers to complete transactions for which consumers have obtained a benefit, without payment. They are not used – nor do they have the capacity to be used – to randomly solicit customers to make purchases or advertise goods. In fact, autodialer technology is the most accurate way for me to call consumers about their past due payment obligations. Auto dialers increase the accuracy of dialed numbers and also restrict calls to the permitted calling times in the time zone of the consumer.



Visit us at [www.ciscocollect.com](http://www.ciscocollect.com)



International Association  
of Commercial Collectors, Inc.

If the FCC's 2003 regulatory definition of autodialer is allowed to stand, creditors and their debt collection agents face the devastating loss of an essential technological tool, namely the autodialer. It cannot be overstated that autodialer technology is directly or indirectly responsible for returning tens of billions of dollars each year to the U.S. economy. Banning their use in this limited context would not only be inconsistent with Congress' intent, but it would be an unconscionable interference with creditors' ability to request payment from its own customers. Additionally, one of the largest creditors in the United States is the federal government. If the FCC does not clarify that the autodialer prohibition does not apply to those making calls to collect past due payment obligations, the federal government will be forced to discontinue its use of autodialers to recover past due payment obligations from tax payers. Such a result would be devastating to the federal government, including the FCC, Department of the Treasury, Department of Education and the Internal Revenue Service and cause all citizens who lawfully pay their federal taxes and other payments owed to the federal government to suffer substantial harm.

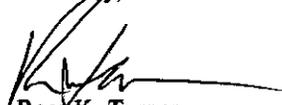
The TCPA was enacted to protect consumers from unsolicited advertisements and telemarketing calls. The TCPA's prohibition against the use of autodialers to contact consumers by way of their cell phones was specifically intended to protect consumers from incurring charges as a result of unwarranted telemarketing calls being made to their wireless phones about products or services *to be purchased in the future*. There was never any intention on the part of Congress to prohibit creditors and their retained collection agencies from being able to contact consumers on their wireless phones about *a past due payment obligation for goods and services already purchased and received*.

Moreover, wireless phone usage has grown exponentially since 1991 when the TCPA was enacted. Today, more than one out of every five Americans under the age of 35 does not have a landline phone and instead uses a wireless phone as their exclusive means of telephonic communication. If allowed to stand, the long-term consequences of the FCC's decision are foreboding at best.

As it stands today, my business, along with thousands of others, face serious financial hardship due to the FCC's regulatory reversal. The FCC's rule needlessly subjects us to federal enforcement and private litigation, even though Congress never intended such an outcome.

For these reasons, the FCC should promptly clarify that autodialer calls to wireless numbers solely to recover payment obligations are not covered by the TCPA regulations.

Sincerely,

  
Ross K. Turner  
CEO  
Cisco Inc.

cc: CLLA

<sup>1</sup> The TCPA defines an autodialer as, "equipment which has the capacity to store or produce telephone numbers to be called, using a random or sequential number generator; and to dial such numbers."



ACCOUNTS RECEIVABLE MANAGEMENT

2006 MAY 15 P 2:18

www.rickenbackergroup.com

DOCKET FILE COPY ORIGINAL

May 8, 2006

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

**RE: CG Docket No. 02-278**

My name is Carlos Casas, and I am the CEO of Rickenbacker Group, Inc. located in CA. I do not perform telemarketing services. Rather I am from an Accounts Receivable Management Company. 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. 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. It has cost Rickenbacker Group, Inc. an additional \$200,000 in lost revenue due to additional resources that are used to comply with current regulation. I am aware ACA has filed a Petition for an Expedited

7000 Zeta-Medison Street  
Culver, California 95026  
Tel: (925) 446-8900 Fax: (925) 446-8901



Ruling regarding this issue in proceeding CG Docket No. 02-278 with the commission. I fully support ACA's petition and the relief requested, including ACA's statement of the harm to business and the federal and state governments as a result of the FCC's rule. I believe that the FCC should not uphold an unsupportable and damaging regulatory interpretation that will encourage the evasion and non-payment of debts by prohibiting the use of autodialers to telephone consumers by way of their cell phones. To do so is contrary to the intent of Congress and all prior rulings of the FCC between 1991 and 2003 concerning this issue.

In the specific context of recovering payments, I use predictive dialers to complete transactions for which consumers have obtained a benefit, without payment. They are not used – nor do they have the capacity to be used – to randomly solicit customers to make purchases or advertise goods. In fact, autodialer technology is the most accurate way for me to call consumers about their past due payment obligations. Autodialers increase the accuracy of dialed numbers and also restrict calls to the permitted calling times in the time zone of the consumer.

If the FCC's 2003 regulatory definition of autodialer is allowed to stand, creditors and their debt collection agents face the devastating loss of an essential technological tool, namely the autodialer. It cannot be overstated that autodialer technology is directly or indirectly responsible for returning tens of billions of dollars each year to the U.S. economy. Banning their use in this limited context would not only be inconsistent with Congress' intent, but it would be an unconscionable interference with creditors' ability to request payment from its own customers. Additionally, one of the largest creditors in the United States is the federal government. If the FCC does not clarify that the autodialer prohibition does not apply to those making calls to collect past due payment obligations, the federal government will be forced to discontinue its use of autodialers to recover past due payment obligations from tax payers. Such a result would be devastating to the federal government, including the FCC, Department of the Treasury, Department of Education and the Internal Revenue Service and cause all citizens who lawfully pay their federal taxes and other payments owed to the federal government to suffer substantial harm.

The TCPA was enacted to protect consumers from unsolicited advertisements and telemarketing calls. The TCPA's prohibition against the use of autodialers to contact consumers by way of their cell phones was specifically intended to protect consumers from incurring charges as a result of unwarranted telemarketing calls being made to their wireless phones about products or services *to be purchased in the future*. There was never any intention on the part of Congress to prohibit creditors and their retained



collection agencies from being able to contact consumers on their wireless phones about *a past due payment obligation for goods and services already purchased and received.*

Moreover, wireless phone usage has grown exponentially since 1991 when the TCPA was enacted. Today, more than one out of every five Americans under the age of 35 does not have a landline phone and instead uses a wireless phone as their exclusive means of telephonic communication. If allowed to stand, the long-term consequences of the FCC's decision are foreboding at best.

As it stands today, my business, along with thousands of others, face serious financial hardship due to the FCC's regulatory reversal. The FCC's rule needlessly subjects us to federal enforcement and private litigation, even though Congress never intended such an outcome.

For these reasons, the FCC should promptly clarify that autodialer calls to wireless numbers solely to recover payment obligations are not covered by the TCPA regulations for the reasons expressed by ACA.

Sincerely,

Carlos Casas  
CEO  
Rickenbacker Group, Inc.

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<sup>1</sup> The TCPA defines an autodialer as, "equipment which has the capacity to store or produce telephone numbers to be called, using a random or sequential number generator; and to dial such numbers."