

Before the  
FEDERAL COMMUNICATIONS COMMISSION, Washington, DC 20554  
In the Matter of Rules and Regulations Implementing the  
Telephone Consumer Protection Act of 1991

CG Docket No. 02-278

**COMMENTS OF JIMMY A. SUTTON ON THE  
PETITION OF PAUL D. S. EDWARDS**

I, Jimmy A. Sutton, hereby submit these comments as timely filed in the Petition of Paul D. S. Edwards for Expedited Clarification and Declaratory Ruling regarding the Commission's rules under the Telephone Consumer Protection Act (TCPA).

I have had the rather unpleasant experience (starting 3 years ago) of purchasing new wireless phone service.

Almost immediately, I started receiving a nearly endless string of autodialed, prerecorded messages (as it turns out, from debt collection companies) on that wireless phone. None of these messages identified the caller; none were introduced by a real person (as required by my state's law); none provided any "removal" mechanism to stop the calls, and calls to the numbers left in the messages resulted in abusive debt collection methods. Of course, these messages (as well as my retrieval of them) came from the bucket of minutes for which I was being charged.

I was not the person who owed the debts, nor was I aware the person they were seeking.

However, the debt collection companies refused to stop the calls or to identify their companies. They also did not assert that the previous owner of the number had ever given them permission to call the cell phone number. They just continued to place prerecorded calls to my cell phone and to verbally abuse me (they insisted I must be the debtor and would not accept any other answer).

It appears quite clear to me that the endless repetition of automated, prerecorded calls to cell phones (and land lines) is part of a pattern of systematic harassment by debt collection agencies (as well documented in a recent *60 Minutes* segment). Their sociopathic behavior continues with repeated harassment even after the recipient of such calls has clearly identified that he/she is not the party sought and whether or not permission was ever granted to make such calls to wireless phones or whether the number was ported or not.

A obvious solution to this problem is that such callers be prohibited from calling wireless numbers when the "owner" of that number has not granted them explicit permission to make such calls. Prerecorded calls should be prohibited (again, as is required by my state's law); speaking with a live person would give the recipient of such calls an

opportunity to explain if they are not the party sought and/or to opt-out of any such future calls.

Debt collection agencies should be required to respect the statements (and opt-out requests) of those reached and cease and desist their unwarranted harassment.

As Senator Hollings stated: "I urge the Commission that in any adjudicative decision, the intent of Congress and the broad remedial purposes of consumer protection are given precedence over private pecuniary interests that are counter to the purposes of the TCPA." (137 Cong. Rec. S16204 (daily ed. Nov. 7, 1991) (statement of Sen. Hollings).

## **CONCLUSION**

In conclusion, I respectfully request that the Commission take the following actions:

1. Declare that permission to call a landline lapses when the number of that landline is ported to a wireless phone absent an express agreement otherwise between the consumer and the creditor.
2. Declare that any express agreement to allow prerecorded or autodialed calling a wireless number immediately lapses when that number is assigned to a new subscriber who is not the debtor.
3. Require that all autodialed or prerecorded calls have an explicit mechanism to provide for stopping such calls.
4. Declare that express invitation or permission to call a wireless number with a prerecorded message or autodialer cannot be transferred to another party by the creditor (or anyone else) without an express agreement between the consumer and the creditor permitting such transfer.
5. Reiterate, as currently required by 47 C.F.R. § 64.1200(b)(1), that ALL prerecorded calls must contain the proper, complete, legal identification of the caller, at the beginning of the message (including those made in with an EBR and debt collection calls).

Respectively Submitted, April 1, 2009.

*/s/ Jimmy A. Sutton*