

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Rules and Regulations Implementing the)	CG Docket No. 02-278
Telephone Consumer Protection Act,)	FCC 10-18
Notice of Proposed Rulemaking)	

**Motion to Extend the Time for Comments and Reply Comments on the
Federal Communications Commission’s Notice of Proposed Rulemaking
Seeking Comment on Proposed Revisions to the Commission’s Rules and
Regulations Implementing the Telephone Consumer Protection Act of 1991**

On March 22, 2010, the Federal Communications Commission’s (“FCC” or the “Commission”) *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Notice of Proposed Rulemaking* (“NPRM”), CG Docket No. 02-278, FCC 10-18, was published in the Federal Register.¹ The NRPM seeks comment on a proposal to harmonize the Commission’s rules under the Telephone Consumer Protection Act of 1991 (“TCPA”) with the Federal Trade Commission’s (“FTC”) recent amendments to the Telemarketing Sales Rule.² The purpose of this Motion is to request that the FCC extend the comment and reply period for this proceeding by at least 45 days. This extension

¹ 75 Fed. Reg. 13471 (March 22, 2010).

² 73 Fed. Reg. 51164 (August 29, 2008).

would allow interested parties to research the impact of this proposed rule change in order to develop a record for the Commission's consideration.

The NPRM states that the Commission is considering requiring prior express consent *in writing* for prerecorded calls to residential lines as well as for all autodialed or artificial or prerecorded message calls to emergency lines, health care facilities, and cellular services. This proposal would extend the written consent requirement far beyond the scope of the FTC's requirements, which apply to commercial sales calls, and reverse the Commission's longstanding position concerning the standard for consent required to place such calls.³

The effect of the Commission's proposal to require prior written consent for prerecorded calls to residential lines and for all autodialed, prerecorded, or artificial calls to wireless services would extend to a significant number of practices that are not enumerated in the NPRM. Under business practices developed in reliance on the Commission's longstanding position on this issue, companies use autodialed and/or prerecorded calls to provide a myriad of valued customer communications including, but not limited to, providing legally-required alerts about data security breaches, notices of flight schedule changes or delivery dates for new appliances, notice of school closings or student absenteeism, fraud alerts or account balance information, and debt repayment reminders. Each proposal, if adopted, could require significant resources to provide the

³ *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CC Docket No. 92-90, Report and Order, 7 FCC Rcd. 8752, 8769, para. 31 (1992) (stating that "persons who knowingly release their phone numbers have in effect given their invitation or permission to be called at the number which they have given, absent instructions to the contrary").

same level of service without these efficient and accurate technologies or, alternatively, may result in the contraction of services to customers.

The proposal to require prior written consent would adversely affect a host of businesses and industries that are not generally impacted by FCC regulatory activities that have just become aware of the NPRM and are beginning to assess the impact these rule changes would have on their business practices, consumers, and the broader economy. The breadth of the NPRM's potential impact is illustrated by the undersigned trade associations, all of which have an interest in this proceeding.

These associations are working diligently with their members to understand the full range of consequences associated with the FCC's proposal, including evaluating the economic impact from requiring prior written consent for autodialed, prerecorded, or artificial calls to wireless services. To assess the full implications of the proposals contained in the NPRM and to provide the Commission with additional information, the undersigned associations have undertaken research into customer communication practices across a variety of industries.

The undersigned associations have faced a challenge in identifying these implications and completing the research within the time initially allotted by the FCC. Thus, in order to assess fully the consequences of the NPRM and to provide a comprehensive response for the FCC's consideration, the undersigned request that the FCC extend the comment and reply period on these proposed revisions by at least 45

days. A modest delay would not adversely affect the orderly resolution of this proceeding or cause injury to the public.

Respectfully submitted,

American Bankers Association
American Bankers Insurance Association
Consumer Bankers Association
Debt Buyers Association International
Direct Marketing Association
The Edison Electric Institute
The Financial Services Roundtable
Mortgage Bankers Association
National Association of College and University Business Officers
National Association of Student Financial Aid Administrators
National Council of Higher Education Loan Programs
Newspaper Association of America
Student Loan Servicing Alliance
Student Loan Servicing Alliance Private Loan Committee
U.S. Chamber of Commerce

By: /s/ Stuart Ingis

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