

Dear ACA member:

This is a reminder regarding ACA's most recent call to action to the FCC. The deadline for submitting is Friday, May 21, 2010.

ACA requests your urgent action to oppose the Federal Communications Commission's (FCC's) proposed rule that attempts to impose heightened restrictions under the Telephone Consumer Protection Act (TCPA). These new rules could have a devastating impact on the collection industry. The FCC's proposed rule would prevent businesses from placing any telephone calls using an automatic dialing system or an artificial or prerecorded voice to a consumer's wireless number unless the consumer has given the calling party prior express written consent, and the written consent cannot be a condition of service! This means that a separate waiver must be provided by the consumer specifically for the purpose of calling the consumer's wireless number. From a practical standpoint, these new requirements would eliminate the communication between debt collectors and consumers who use cell phones. We need your help to fight this rule!

To have an understanding of how to post comments on the FCC Web site, the following is a brief description of the procedure. At the bottom of this e-mail you will find the text for a letter written in support of ACA's formal comments. Please read carefully and follow these instructions to submit comments:

1. First, click [here](#) to go to the comment filing page on the FCC Web site;
2. Fill out the required contact information, (the proceeding number is 02-278);
3. Copy the letter text below and paste it into the comments section; and
4. Follow remaining instructions on the Web portal to complete filing.

It is important that the FCC hear from as many members as possible so that they understand the full impact this damaging rule would have on both businesses and consumers.

We appreciate your efforts in this grassroots mobilization. Your outreach is critical to our continued success.

Sincerely,

Adam J. Peterman
Director of Federal Government Affairs

Dear FCC Commissioners:

I write to strongly urge you to revise your proposed rule under the Telephone Consumer Protection Act (TCPA) restricting the use of autodialers and pre-recorded messages to contact consumers on their wireless numbers.

As a member of the collection industry, our company's communications with consumers are strictly regulated by the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, and numerous other federal and state consumer protection laws. These laws provide extensive protections regarding

the manner by which we communicate with consumers and what can and can not be said in these communications. Unfortunately, these rules will only serve to deprive consumers of vital information regarding their financial matters.

Recent surveys show that over twenty percent of all U.S. households only have a wireless telephone line. Moreover, trends in recent years suggest this rate will continue to rapidly increase. This proposed rule would force businesses to obtain express written consent before contacting customers with wireless numbers with autodialers and pre-recorded messages, and such consent cannot be a condition of service. These requirements are not realistic and will prevent businesses from accurately and efficiently contacting consumers.

Further, one of the main claims leveled against predictive dialers is their ability to randomly or sequentially generate numbers to reach customers. The predictive dialers used in our industry are used for their accuracy and efficiency in dialing the numbers provided to us by our clients. This technology is important to help the industry remain compliant with all current federal and state laws while making sure the right consumers are contacted in a timely manner. This proposed rule would unduly hamper such efforts.

I strongly urge the FCC to revise its proposed rulemaking to the TCPA in a manner that properly recognizes the importance of continued, timely communication between businesses and consumers via their wireless numbers. Thank you for your attention to this critical issue. I urge you to review comments submitted by my trade association, ACA International, to make needed revisions to this proposed rule.

Sincerely,

Dawn Magers

Franklin Collection Service