

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

**IN RE:** )  
**THE JOINT PETITION FILED BY** )  
**DISH NETWORK, LLC, THE UNITED** )  
**STATES OF AMERICA, and THE** )  
**STATES OF CALIFORNIA, ILLINOIS,** )  
**NORTH CAROLINA, AND OHIO FOR** )  
**DECLARATORY RULING** )  
**CONCERNING THE TELEPHONE** )  
**CONSUMER PROTECTION ACT** )  
**RULES** )

**AND** )

**THE PETITION FILED BY PHILIP J.** )  
**CHARVAT FOR DECLARATORY** )  
**RULING CONCERNING THE** )  
**TELEPHONE CONSUMER** )  
**PROTECTION ACT RULES** )

**CG Docket No. 11-50**  
**CG Docket No. 02-278**

**AND** )

**THE PETITION FILED BY DISH** )  
**NETWORK, LLC FOR** )  
**DECLARATORY RULING** )  
**CONCERNING THE TELEPHONE** )  
**CONSUMER PROTECTION ACT** )  
**RULES** )

**REPLY COMMENTS OF JOE SHIELDS**

I respectfully submit these reply comments to the Commission concerning the petitions filed in the proceeding.

Dish Network LLC and DirecTV Inc. go to great lengths attempting to steer the Commission into an “Agency” argument which has no relationship to the illegal telemarketing calls that sell their services.

Both Dish Network LLC and DirecTV Inc. have created an environment that encourages illegal telemarketing behavior. It is fact that it is their service that is advertised and that they profit from that illegal telemarketing behavior. It is also fact that if Dish Network

LLC and DirecTV Inc. do not want to be held liable for illegal telemarketing activity they can simply change their business model.

Consequently, the Commission should find that the strict liability of the TCPA holds that those entities whose services are illegally advertised are ultimately liable regardless of whether or not they actually made the illegal telemarketing calls.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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