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June 5, 2011

**Before the  
Federal Communications Commission  
Washington DC 20544**

<b>In the matter of</b>	<b>CG Docket No. 11-050</b>
<b>Petitions filed by Dish Network, LLC, et al for Declaratory Ruling concerning the Telephone Consumer Protection Act</b>	<b>DA 11-594</b> <b>Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991</b>

**Gerald Roylance's Late Comment re Dish Network  
Petition**

The FCC has long used the notion of strict liability in its TCPA orders. If a call was placed on-behalf-of an (even blameless) advertiser by a third party telemarketer, then the advertiser and the telemarketer are both liable.

Congress is presumed to be aware of the FCC's orders. Hence Congress knew that the FCC has been using an on-behalf-of liability standard for prerecorded calls.

Congress has recently amended the TCPA. Public Law 111-331, Truth in Caller ID Act of 2009.

The Truth in Caller ID Act addressed issues such as venue, service, and limitation period. It, for example, reduced the statute of limitations period for Caller ID violations from the TCPA's typical 4 years to 2 years.

It should be inferred that if Congress did not want on-behalf-liability rules to apply to the advertiser (as the FCC has applied it), then it would have amended 47 USC § 227 to change that liability. In short, Congress has implicitly approved on-behalf-of liability.

/s/ Gerald Roylance