

February 8, 2012

**VIA ELECTRONIC DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Room TWA325  
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentation  
CG Docket No. 02-278**

Dear Ms. Dortch:

On Monday, February 6, 2012, Michele C. Farquhar and Mark W. Brennan of Hogan Lovells US LLP, counsel to Encore Capital Group, Inc. (“Encore”), along with Bruce Mehlman of Mehlman Vogel Castagnetti, representative for Encore, met with Commissioner McDowell and Christine Kurth, Policy Director and Counsel to Commissioner McDowell, regarding the above-referenced “robocall” proceeding and related Telephone Consumer Protection Act (“TCPA”) issues.

During the meeting, the Encore representatives encouraged the Commission to refrain from imposing new requirements on non-telemarketing calls and to ensure that any changes to its TCPA rules are harmonized with the FTC’s Telemarketing Sales Rule. They also encouraged the Commission to recognize the differences between informational and telemarketing use of predictive dialers.

In addition, the Encore representatives expressed support for Commission efforts to promote innovation and examine whether predictive dialers used for non-telemarketing purposes should be considered “automatic telephone dialing systems” (or “autodialers”) under the TCPA. The representatives explained that the predictive dialers in use today provide significant benefits to businesses and consumers, such as:

- Protecting consumers from improper calls, including by restricting calls to certain numbers, certain individuals, certain hours, a certain number of times per telephone number, and a certain amount of time between calls;
- Allowing businesses with a legitimate need to contact a large number of specific consumers to do so accurately and efficiently;
- Promoting compliance with other statutes and regulations;

- Avoiding the risk of human dialing error; and
- Reducing costs for consumers and businesses.

Moreover, now that almost one-third of all households only have wireless telephones (with that number expected to continue rising), blanket restrictions on calls to those telephone numbers are hindering innovation and significantly limiting the ability of companies to provide service to their customers and contact their accountholders. Finally, the representatives highlighted the skyrocketing number of TCPA claims and class actions involving alleged autodialer use, adding that TCPA class actions are increasingly targeting predictive dialer use.

Pursuant to Section 1.1206(b) of the Commission's rules, I am filing this notice electronically in the above-referenced dockets. Please contact me directly with any questions.

Respectfully submitted,

*/s/ Michele C. Farquhar*

Michele C. Farquhar  
Counsel to Encore Capital Group, Inc.

Partner  
michele.farquhar@hoganlovells.com  
D 1+ 202 637 5663

cc: Commissioner McDowell  
Christine Kurth