

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of:)
)
) **CG Docket No. 12-129**
)
Implementation of the Middle Class Tax Relief)
And Job Creation Act of 2012)
Establishment of Public Safety Answering Point)
Do-Not-Call Registry)

COMMENTS

I. Introduction

InfoCision is the nation’s second-largest privately held teleservices company. We are a leading provider of direct marketing solutions for Fortune 100 companies and nonprofit organizations. With over 4,400 employees and locations throughout Ohio, Pennsylvania, West Virginia and Ontario, Canada, InfoCision merges comprehensive capabilities with a customized, personal approach to our clients.

Today, we provide a full spectrum of direct marketing services: inbound and outbound call center solutions; direct mail and fulfillment; and Interactive (Web) and data solutions.

I have worked at InfoCision since 1985. As Chief of Staff, I supervise our efforts to ensure our services meet and exceed the highest levels of professionalism, including legal compliance. InfoCision’s department of regulatory compliance leads the assessment of internal controls to ensure compliance with the myriad of federal and state regulations imposed on the call center industry.

I am proud to say our compliance record is unblemished in this area.

We do not support the Commission’s proposal- existing law prohibits calls to any emergency line of a hospital, medical physician or service office, health care facility, poison control center, or fire protection or law enforcement agency hospital rooms. This proposal would duplicate existing law to some extent but also will impose needless expenses on good companies like InfoCision. We do not call public safety numbers because it does not make good business sense to do so. Neither InfoCision nor its clients desire or intend to call non-emergency numbers associated with public safety services. Forcing our clients to pay for a new Registry would not prevent any calls to those numbers because we don’t call them now. Entities that do illegally call public safety numbers will not pay for the new Registry.

II. Comments

A. Existing rules also prohibit most telemarketing calls to public safety numbers absent the express consent of the recipient.

As mentioned above, the TCPA prohibits calls to certain emergency public safety telephone numbers.

InfoCision opposes expansion of the FCC's restrictions to non-emergency PSAPs.

Simply put, we do not call these numbers now, and creating a new Registry will only subject our clients to needless expense with no public benefit.

B. Need for list accuracy

Because of the years long experience with the National Do-Not-Call Registry implemented by the FCC and the Federal Trade Commission, we have found that the accuracy of the Registry, including this PSAP Registry will be very important.

Numbers are regularly disconnected, reassigned internally to other purposes, or externally to other organizations. These numbers must be regularly removed from the PSAP Registry to prevent a subversion of its purpose as intended by Congress.

We urge that the FCC require annual written certification from heads of PSAP government agencies regarding the numbers they intend to use in the coming year, and monthly list "hygiene" efforts including removal of numbers which have been disconnected or assigned to a third party. Sources of this information are readily accessible to any list administrator designated by the FCC.

Any PSAP registry should include only the numbers provided by the PSAPs. This registration requirement would avoid improper placement of phone numbers on the Registry.

C. Provision of list of outbound telephone numbers

The PSAP Registry should not be disclosed to third parties for uses other than compliance with the prohibition of solicitation calls to those numbers.

Purchasers of those lists should certify that they will limit access to the list solely for the purpose of compliance with the prohibition on contacting numbers on the Registry and that they will not share the list with third parties except for this purpose. A seller should be allowed to share the list with its teleservices vendors to ensure compliance, for example.

The NPRM suggests that entities seeking access to the PSAP registry provide an address, a contact (including a phone number and an email address), and a list of all outbound telephone numbers used for autodialing.

The last requirement fails to consider that legitimate businesses use many numbers for monitoring and other purposes. Providing an ever-changing list of telephone numbers would create an administrative burden for both the Commission and the marketer and would not aid in enforcement or administration of the list.

D. Cost of list

In our experience, creation and implementation of this list could be expensive and, for the reasons above, needless. I ask that the FCC tie any price increase to a reliable indicator of inflation. *See e.g.* Do-Not-Call Registry Fee Extension Act of 2007 § 2(d) (tying price of the National Do-Not-Call Registry to the consumer price index).

While it may be most efficient to use the current administrator of the National Do-Not-Call Registry for this PSAP Registry, it is vital that the lists be separately maintained. The PSAP Registry is a list of business or governmental numbers, fundamentally different than the list of consumer telephone numbers contained in the National Do-Not-Call Registry.

E. Procedure for Enforcement

The Commission's existing means of enforcement of TCPA restrictions consists of issuing a citation followed by fines or other enforcement action for subsequent violations. This system is effective and fair, allowing businesses the opportunity to respond and sometimes achieve rescission of a citation issued in error if the business can show effective compliance measures.

Similarly, the Commission should allow businesses to effectively comply with the new PSAP Registry by creating a safe harbor for businesses that regularly access and implement the list (similar to the existing rule for ported numbers, 47 CFR § 64.1200 (a)(1)(iv)).

If a caller, after receiving a citation which it does not respond to or rebut, violates the law by calling the Registry again, the Commission can invoke its existing forfeiture procedures.

III. Conclusion

InfoCision opposes implementation of the Registry, but if it is to be implemented, we recommend that PSAPs register telephone numbers they wish to include on the Registry.

As directed by statute, the Commission should regularly review numbers on the list and remove numbers which have been disconnected or transferred to other parties. The

Commission should use its existing enforcement procedure to issue citations to violators followed by fines or other action.

Submitted by,

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