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September 10, 2012

Via ECFS

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

Re: CG Docket No. 02-278, In re GroupMe, Inc., Petition for Declaratory Ruling

Dear Secretary Dortch:

Portfolio Recovery Associates, LLC, by its attorneys and pursuant to the Commission's Public Notice in the above-referenced proceeding,¹ hereby submits these reply comments for the limited purpose of addressing certain inaccurate statements made by commenters in connection with predictive dialers.² As a general matter, those commenters fail to recognize how predictive dialers are an important quality control and compliance tool for many businesses that have frequent telephone contact with consumers.

Predictive dialers are beneficial to both businesses and consumers. They allow businesses to reach consumers in an accurate, efficient and quality-controlled manner. They reduce substantially the potential for human error when businesses seek to contact consumers by telephone. They do not misdial programmed telephone numbers, call before or after permissible times of day, or call more frequently than intended. In the debt collection context, predictive dialers help businesses ensure compliance with the federal Fair Debt Collection Practices Act (FDCPA) and other state and federal requirements. Debt collection customers benefit when the use of predictive dialers eliminates inadvertent wrong party contacts that result from simple mistakes.

Wrong party contacts are costly and time-wasting for any business that contacts consumers by telephone. It simply is not true that debt collectors (and other businesses) have no incentive to correct and remove wrong numbers from predictive dialers. Wrong party calls waste

¹ *Consumer and Government Affairs Bureau Seeks Comment on Petition for Expedited Declaratory Ruling from GroupMe, Inc.*, Public Notice, DA 12-1180 (July 24, 2012).

² *See, e.g.*, Comments of Consumer Litigation Group (August 31, 2012); Comments of Michael Worsham (August 31, 2012).

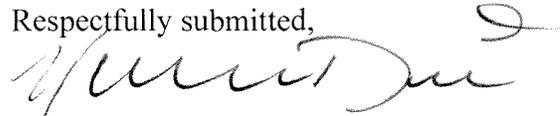
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the calling party's money by incurring a range of telephony charges like those based on call volume and long distance rates. Wrong party contacts also waste employee and management payroll and add needlessly to ordinary overhead expenses. They also involve lost opportunity costs; resources mistakenly diverted to wrong party calls can more productively be spent contacting customers inclined to pay. In fact, many predictive dialers are programmed to detect certain anomalies that suggest a dialed number may be unreliable and to automatically remove that number from the file.

The FCC has reported that nearly 37 million telephone numbers are recycled by carriers every year.³ That fact, combined with the continuing migration of customers from landline telephones to mobile devices, naturally results in occasional mistaken calls to mobile phones. This is why it is important -- and only natural -- for a consumer who receives such a call simply to inform the calling party if the consumer believes the call is intended for someone else.

Any caller whose purpose is to operate a profitable business understands that wrong party contacts are as detrimental to business as they are frustrating to the mistakenly called party. The fact that the FDCPA prevents debt collectors from disclosing details regarding the nature and purpose of a debt collection call to a wrong party contact sometimes compounds this frustration. But to suggest that debt collectors have no incentive to eliminate wrong party contacts simply is incorrect.

Respectfully submitted,



Yaron Dori

Counsel for Portfolio Recovery Associates

³ "Wrong Number? Blame Companies' Recycling," *Wall Street Journal*, D2, December 1, 2011.