

September 11, 2012

Supplemental Comments of Michael C. Worsham in opposition to the GroupMe/Skype petition to the FCC regarding the definition of “automatic telephone dialing system” under the Telephone Consumer Protection Act, 47 U.S.C. § 227.

I supplement my earlier comments with this additional opposition to the GroupMe/Skype petition to redefine “automatic telephone dialing system” (ATDS) under the Telephone Consumer Protection Act, 47 U.S.C. § 227.

My comments herein are based on my personal experience separate from my experience as a consumer protection attorney. I have personally received numerous repeat calls from a debt collector using autodialers for someone else who is/was the alleged debtor. I even pressed a number option as suggested in the prerecorded message to indicate I am not the debtor the collector was putatively trying to reach, but nonetheless continued to receive calls from the same debt collector for several weeks, including on weekend mornings.

The problem with the Skype Petition is that debt collectors (and telemarketers) already don't recognize or acknowledge that they call the wrong persons, which they do regularly and repeatedly, and that such calls are a problem or illegal, which they are. Granting Skype's redefinition of an ATDS under the TCPA would enable debt collectors - as well as commercial and for-profit text messagers like Skype - to make virtually unlimited calls with modern equipment and cheap phone rates, with no effective legal restraint or remedy or reason to care whether the correct person is ever reached or not. Debt collectors get inaccurate information that comes without guarantees from 'skip tracers', plug the information automatically into dialing equipment, with the resulting privacy carnage one could expect. The Skype Petition should be denied.

Thank you.

Michael C. Worsham