

October 1, 2012

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

CG Docket No. 02-278

Dear Chairman Genachowski:

We are writing to encourage the Federal Communications Commission to promote job growth and innovation by seeking public comment promptly on the pending Communication Innovators (“CI”) Petition for Declaratory Ruling in the above-referenced docket.

We applaud your commitment to the Jobs4America initiative and its goal of bringing more than 100,000 new broadband-enabled call center jobs to the U.S. As you recognized, these jobs will enable new economic opportunities and revitalize communities that were hit hard by the economic downturn. And many of the jobs will be on-shored from foreign countries. Undermining these commendable efforts, however, is the current uncertainty in the Commission’s application of the Telephone Consumer Protection Act (“TCPA”) to predictive dialers.

Our companies provide innovative predictive dialer solutions to organizations that need to reach their customers and accountholders with time-sensitive, non-telemarketing calls and messages. These organizations include hospitals, government agencies, delivery companies, financial institutions, and a host of others that use advanced technology to benefit the public in myriad ways above and beyond supplying much-needed jobs. In addition to connecting consumers promptly with live representatives – not prerecorded messages – the predictive dialers promote consumer privacy by protecting against unwanted misdialed calls. They do not, however, have the ability to randomly or sequentially generate and dial telephone numbers.

As CI describes in its Petition, the FCC’s TCPA decisions have led to widespread confusion over the regulatory classification of predictive dialers that are used for non-telemarketing purposes. This confusion is hindering the development of new wireless services, increasing costs, and threatening American call center jobs. The CI Petition therefore asks the FCC to confirm that predictive dialers that: (1) are not used for telemarketing purposes; and (2) do not have the current ability to generate and dial random or sequential numbers, are not autodialers under the TCPA and the FCC’s TCPA rules.

Although the CI Petition was filed almost four months ago, the Commission has not yet sought comment on it. We encourage the Commission to avoid further delay and seek comment promptly.

Regards,

/s/ Darrin R. Bird

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