

February 27, 2013

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 25, 2013, Michele C. Farquhar and Mark W. Brennan of Hogan Lovells US LLP, counsel to the Cargo Airline Association (“CAA”), along with Steve Alterman, CAA President; Gina Ronzello, CAA Vice President of Legislative Policy; and CAA member representative Bill Brown, had a conference call with Mark Stone, Kurt Schroeder, Deborah Broderson, Lynn Ratnavale, and John Adams of the Commission’s Consumer & Governmental Affairs Bureau to discuss CAA’s pending Petition for Expedited Declaratory Ruling (“Petition”) regarding CAA members’ ability to send non-telemarketing package delivery notifications under the Telephone Consumer Protection Act (“TCPA”).

During the meeting, the CAA representatives responded to inquiries from FCC staff regarding current CAA member practices related to the purely informational package delivery notifications. As a general matter, CAA noted that its members’ notifications reflect the adoption of consumer-friendly delivery practices, despite the costs entailed in identifying and excluding wireless numbers and delivering the prerecorded messages to wireline numbers. Mr. Brown added that delivery companies want to provide better customer service for package recipients, and recipients appreciate these notifications.

Specifically, the representatives stated that members placing delivery notifications to wireline telephone numbers currently aggregate the notifications for multiple packages so that a residential package recipient typically receives no more than one notification call per day. To the extent that packages being delivered on the same day may have different delivery requirements, such as signature or collect on delivery (“COD”) requirements, a separate notification may be sent for each delivery type. Such instances are rare, however, especially outside the holiday season. The representatives confirmed that the same consumer-friendly aggregation approach could also be used for prerecorded notification calls and text messages to wireless telephone numbers, thereby providing consumers with more options for receiving package delivery notifications.

The representatives also provided details regarding the contents of the package delivery notifications that are currently being sent to wireline telephone numbers. These brief notifications include sufficient details to help package recipients know what is required for delivery, when to expect delivery, and how to follow-up with the delivery company if necessary. For example, they include the package tracking number, the expected delivery date and time, and any signature requirements. They also provide a toll-free number and state a website address where package recipients can request additional tracking details or contact customer service. For packages that are available for pickup at the carrier's location, the address and hours of operation for that location are included. The representatives noted that, among other benefits, these notifications can empower consumers that need to reschedule a delivery to a more convenient time. The prerecorded messages are very short, typically under a minute long. For text message notifications, CAA members would seek to fit all of the details into a single text message.

In addition, the representatives confirmed that the current prerecorded message calls to wireline numbers include the ability to opt-out of future package delivery notification calls. Although industry-wide opt-out data is not available, the CAA representatives noted that the opt-out rate for at least one CAA member is less than one-half of one percent. There have been virtually no complaints from the delivery notifications. The representatives affirmed that CAA would not object if the Commission required CAA members to include an opt-out mechanism as a condition of granting the Petition.

Finally, the representatives explained that they currently pay a third-party vendor to identify wireless telephone numbers, which are then excluded from package delivery notification calls. Subscribing to this service increases the cost for providing package delivery notifications and, ultimately, the cost of shipping services. At least one CAA member has reported that wireless telephone numbers now comprise more than half of all contact telephone numbers provided for residential package recipients. The continued growth of wireless-only households means that, unless the Commission grants the CAA Petition, fewer and fewer package recipients will be able to receive these notifications.

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

Respectfully submitted,

/s/ Mark W. Brennan

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