

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of the)
)
Rules and Regulations Implementing)
) **CG Docket No. 02-278**
the Telephone Consumer Protection)
)
Act of 1991)

Joe Shields Opposition to the Ex Parte Presentation of ACA International

ACA International filed supplemental Notice of Ex Parte with the Commission on 02/27/13. The supplemental notice again fails to meet the minimum standards set forth by the Commission. “A person who makes an oral ex parte presentation subject to this section shall submit to the Commission’s Secretary a memorandum... Memoranda must contain a summary of the substance of the ex parte presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. §1.1206(b)(1) The Ex Parte Memorandum of ACA International fails to provide, other than one extremely terse sentence, a proper summary of the substance of the Ex Parte presentation.

A reading of the Ex Parte Memorandum does not set forth what legislative initiatives have been undertaken by the presenter. If the initiatives were discussed, as apparently they were, then the discussion about such initiatives needs to be described in the notice with more than one sentence. The presenter should not be allowed to meet behind closed doors with members of the Commission and then to obfuscate the reasons for such a meeting. I am certain that members of the public are extremely interested in the efforts of ACA International to neuter the protections of the TCPA especially if these legislative initiatives are similar to HR 3035. It is even more important for full disclosure

of this legislative initiative if there is any possibility that Congress has been approached to create a new exemption for debt collection calls to cell numbers with prior express consent of the called party. Members of the public deserve a fair and full disclosure of any Ex Parte meetings with the Commission. I respectfully request that ACA International be directed by the Commission to file a proper Ex Parte Memorandum to insure fairness and full disclosure in the proceeding.

And to clarify the Thrasher-Lyon v. CCS Commercial case is about an insurance company “skimming” the cell number from a police report which as the court properly concluded “...has none of the hallmarks of the 'prior express consent'” contemplated by the Federal Communications Commission.” Clearly, the court made no such conclusion as the ex parte notice claims.

Respectfully submitted,

_____/s/_____

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