



WILTSHIRE  
& GRANNIS LLP

April 4, 2013

**BY ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Re: *CG Docket No. 11-50*

Dear Ms. Dortch:

This is to inform you that on April 3, 2013, Stacy Fuller of DIRECTV, LLC spoke by telephone with Priscilla Delgado Argeris, Legal Advisor to Commissioner Rosenworcel, to discuss the appropriate liability standard for claims arising under the Telephone Consumer Protection Act of 1991 (“TCPA”). In particular, she reiterated DIRECTV’s position that common law agency principles should govern the question of whether a call was made “on behalf of” a seller. She also explained that attempting to qualify the agency analysis by providing “examples” of activities that could indicate the existence of an agency relationship is highly problematic. The danger is that such examples could take on so much importance that they overshadow other considerations relevant to a proper common law agency analysis. If the Commission nonetheless feels the need to provide additional guidance, however, it must ensure that such guidance cannot be viewed as outcome determinative, but rather simply reflects matters that can be considered among all of the others relevant to the agency analysis.

Respectfully submitted,

/s/

William M. Wiltshire  
*Counsel for DIRECTV*

cc: Priscilla Delgado Argeris