

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

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

Submission for the Record of Joe Shields on the Petitions

For Expedited Declaratory Ruling of YouMail Inc. and GroupMe Inc.

Several petitions are before the Commission where the petitioners are requesting that the Commission create an “intermediary” prior express consent exemption. Recently, my family and I became a victim of just such “intermediary” prior express consent. I would like to provide our experience for the record.

On 08/03/13 and on 08/08/13 I received a total of three illegal automatically dialed telephone calls that advertised free home improvement estimates. I never provided my prior express consent for these calls to be made to my cell number. I was able to identify an individual in Pakistan that was responsible for the calls. On both 08/03/13 and on 08/08/13 I emailed a do-not-call demand to that entity. In response to my do-not-call demands that entity submitted my cell number on several home improvement lead generation web sites. That led to me receiving close to a dozen automatically dialed calls from entities that purchased the leads from these lead generation web sites.

I was able to confirm that none of the lead generators made any effort to verify that the information submitted on their web sites was legitimate. When I asked the entities that had bought the leads where they had gotten my cell number most became defensive and claimed that they had consent to make automatically dialed calls to my cell

number and that was the end of the matter and hung up on me. One entity that I confronted about this so called consent cursed at me and told me: "...go f%^k yourself!" Some of the entities that had bought the leads are very well known companies i.e. Sears and Direct Energy US Home Services.

Most if not all of the entities that made the automatically dialed calls to solicit their service refused to properly identify themselves. When I contacted the lead generators they also claimed to have consent and to add insult to injury refused to provide any information such as an IP number where my cell number was submitted from. One caller admitted they made automatically dialed calls to many that had never requested to be contacted. The same individual stated: "...it's a numbers game...that's why we have a no call list..." Clearly, the lead buyers don't care that the lead they bought was submitted on the lead generators web site solely for the purpose of retaliation and harassment. And neither the lead generators nor the lead buyers made any attempt to scrub the lead with the National do-not-call list or a cell number list.

The petitioners claim that allowing intermediary consent is beneficial to consumers. I ask the Commission how is this "intermediary" consent described above in any way beneficial to any one? If the Commission were to create an "intermediary" consent then the Commission will be creating a huge loophole that will make the calls I described above legal. Yet not one of the calls described above were made with the prior express consent **of the called party**. And every one of the entities making the automatically dialed calls claimed they had "intermediary" consent.

In closing I would like to point out that because of the attitude of the marketing industry and their treatment of my family and me I became a "regular" commenter in this

proceeding. The above is not the only example of cursing, retaliation and harassment my family and I have been subjected to by this marketing industry. These are not just a few bad apples. As stated above Sears, a very well-known company is claiming “intermediary” consent for their automatically dialed call to my cell number. I would ask the Commission to tread carefully and consider the consequences of creating an “intermediary” consent exemption. The Commission should not legalize what my family and I have suffered through.

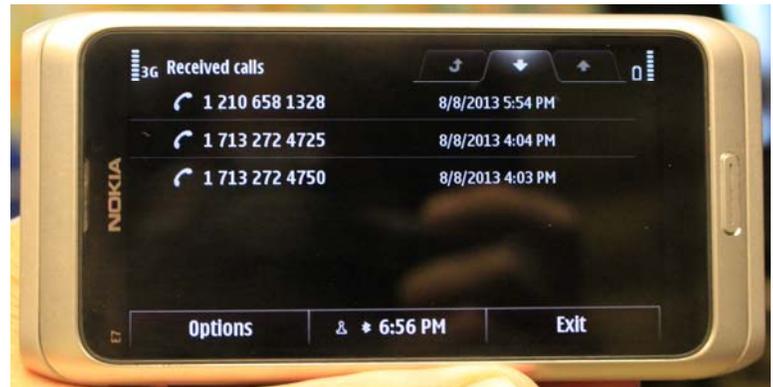
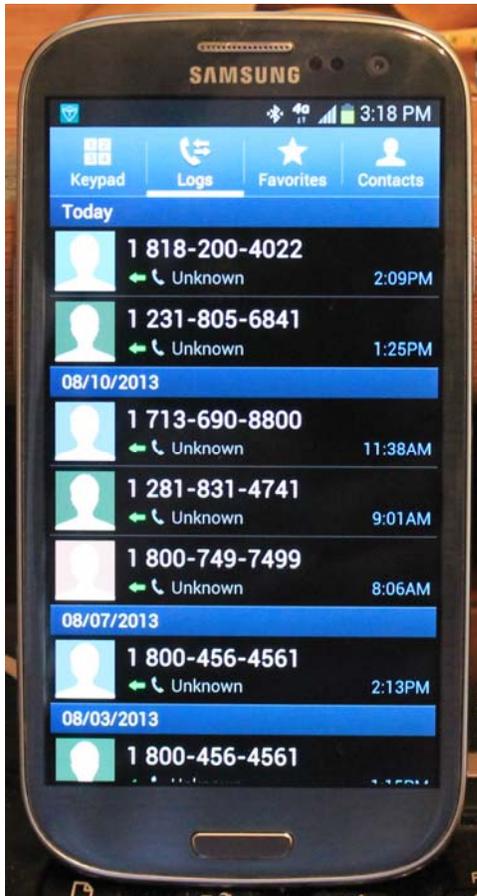
Respectfully submitted,

_____/s/_____

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Call Detail Records – Automatically Dialed Home Improvement Calls to My Cell Number that is also on the National and State Do-not-call List.

1. CID 8778883519 on 08/03/13 at 12:42 p.m. (Live telemarketing call)
2. CID 8004564561 on 08/03/13 at 01:15 p.m. (Dead air call)
Emailed DNC to daniel.vincent91@usa.com on 08/03/13 at 03:12 p.m.
3. CID 8004564561 on 08/07/13 at 02:13 p.m. (Live telemarketing call)
Emailed DNC to daniel.vincent91@usa.com on 08/08/13 at 02:08 p.m.
4. CID 7132724750 on 08/08/13 at 04:03 p.m. (Dead air call - Colony Builders)
5. CID 7132724725 on 08/08/13 at 04:04 p.m. (Live call - Colony Builders¹)
6. CID 2106581328 on 08/08/13 at 05:54 p.m. (Live Call - Waynes Fence & Decks)
7. CID 8007497499 on 08/10/13 at 08:06 a.m. (Dead air call – Sears)
8. CID 2818314741 on 08/10/13 at 09:01 a.m. (Live call - Air Specialists)
9. CID 7136908800 on 08/10/13 at 11:38 a.m. (Live call - One Hour Air)
10. CID 8182004022 on 08/13/13 at 02:09 p.m. (Live call – Construction Pros)
11. CID 2816079027 on 08/14/13 at 11:52 a.m. (Live call – Home Improvement Leads)



¹ The owner of Colony Builders, Ali Zare is the individual that cursed at me.