

**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)

Comments of Joe Shields on the Notice of Ex Parte Presentation

Filed on Behalf Of United Healthcare Services Inc.

In reading the Notice of Ex Parte of the petitioner United Healthcare Services Inc., it becomes necessary to point out another misrepresentation made by the individual representing United Healthcare Services Inc. The statement that misrepresents consumer comments is:

“The FCC should also disregard misguided suggestions from certain commenters to require callers to re-obtain “prior express consent” before placing an informational call to a wireless telephone number.”

No consumer has ever suggested that the TCPA requires businesses to re-obtain “prior express consent”. Apparently, the individual representing United Healthcare Services Inc. mistakenly believes the TCPA has a requirement for consumers to opt out of unwanted and unauthorized automatically dialed calls to their cell numbers. Such a suggestion is patently false. There is no requirement in the TCPA to “put on notice” callers making automatically dialed calls to cell numbers that they have reached a reassigned cell number.

The TCPA does not require a subscriber to a reassigned cell phone number to gaze into a crystal ball and identify and then notify everyone the former subscriber provided prior express consent to that prior express consent does not exist anymore.

