

**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)

**Reply Comments of Joe Shields on the Comments of The Computer and
Communications Industry Association on the Petition
For Expedited Declaratory Ruling of Stage Stores**

The Computer and Communications Industry Association (hereinafter “CCIA”) in their comments falsely claim that CCIA members lack the ability to check whether a consenting users wireless number has been assigned. This repeated claim is a fabricated lie.

It boggles the mind that commentators such as CCIA intentionally ignore the clear fact that cell numbers are not immediately reassigned. Cell numbers are routinely kept in an unassigned pool for at least 30 days but more often 90 days. During that time robocalls will get a disconnect notice and a text message will get an undeliverable notice. It is the lack of removing such disconnected cell numbers that has led to the rise in TCPA lawsuits. Therefore, it is not impossible for CCIA members to know when a cell number has been disconnected prior to the cell number being assigned to another subscriber.

Additionally and despite CCIA protestations there are resources that provide comprehensive, up-to-date, reference that can be used to determine if a cell number still belongs to a consenting cell phone subscriber. According to Becky Burr (Neustar Deputy General Counsel and Chief Privacy Officer and former FTC Attorney-Advisor),

Neustar's TCPA compliance services "use continuously updated and **highly accurate phone data** (emphasis added) that gets updated multiple times per minute to tell you instantly . . . whether the subscriber name that you have matches." Neustar is not the only one offering such a service. Infutor, Nextmark List or Contact Center Compliance offers the same or similar service.

It is evident from the many petitions and comments that one side is clearly lying about the capability to determine if a cell number still belongs to a consenting cell phone subscriber. The Commission can easily determine which side that is – it is the side that has been sued for violating the TCPA then comes running to the Commission for a get out of jail free card. Simply because the lie is repeated over and over again doesn't make it a true fact.

Even the debt collection industry has foisted this lie on the Commission. What is so wrong with making the 1st call manually to determine if the original consenting subscriber still owns the cell number? What is so wrong in removing numbers that have been disconnected before they are assigned to another subscriber? What is so wrong in using a service that easily and accurately identifies whether the subscriber name and cell number match?

It is easily seen that those that are lying to the Commission consider that the TCPA is frivolous. It may be frivolous to those that make millions of automated calls every day. Yet it is the only law holding back a tsunami of automated calls that if unchecked would threaten the very existence of the cell phone network. I trust the Commission can see through this lie and will hold back the tsunami that will surely occur if the Commission falls for the lie.

Respectfully submitted,

_____/s/_____

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