



FCC Solicits Comments on Recently Filed TCPA Petitions

The FCC has solicited comments on a handful of recently filed TCPA petitions:

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1. [Vincent Lucas Petition](#)- requests the FCC to clarify “that a person is vicariously or contributorily liable if that person provides substantial assistance or support to any seller or telemarketer when that person knows or consciously avoids knowing that the seller or telemarketer is engaged in any act or practice that violates the TCPA.” The requested clarification goes beyond that provided by the FCC in its 2013 Declaratory Ruling, which only addressed vicarious liability in the context of sellers.
2. [Stage Stores, Inc. Petition](#)- requests the FCC to provide an exception or safe harbor for calls made to a wireless number pursuant to previously obtained prior express consent where the number has been reassigned to another subscriber without the caller’s knowledge. The relief requested by this petition largely mirrors several petitions currently pending before the FCC.
3. [Milton H. Fried, Jr. Petition](#)- requests the FCC to clarify whether certain equipment, individually or combined, that is used to transmit text messages constitutes an ATDS under the TCPA, regardless of whether the equipment ultimately “dialed” the phone number. The Petition stems from a lawsuit in the Southern District of Texas, in which the Court instructed the parties to seek clarification from the FCC.

Comments for each petition are due August 8, 2014 and reply comments are due August 25, 2014.

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