

December 15, 2020

Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: Notice of *Ex Parte* Presentations, *Rules & Regulations Implementing the Tel. Consumer Prot. Act of 1991*, CG Docket No. 02-278

Dear Ms. Dortch:

On December 11, 2020, representatives of the American Bankers Association, ACA International, American Association of Healthcare Administrative Management, American Financial Services Association, Consumer Bankers Association, Credit Union National Association, Mortgage Bankers Association, National Association of Federally-Insured Credit Unions, National Council of Higher Education Resources, and Student Loan Servicing Alliance (collectively, the Associations) met by telephone with Travis Litman, Chief of Staff and Senior Legal Advisor to Commissioner Jessica Rosenworcel.¹ The purpose of the meeting was to discuss the Notice of Proposed Rulemaking² issued by the Commission to implement section 8 of the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act).³

During the meeting, we urged the Commission not to impose additional restrictions on the existing exemption for informational calls placed to residential telephone numbers.⁴ As described more fully in the Associations' filings in this proceeding,⁵ Congress passed the TRACED Act to

¹ The meeting's participants are listed in the Appendix.

² Notice of Proposed Rulemaking, *Rules & Regulations Implementing the Tel. Consumer Prot. Act of 1991*, CG Docket No. 02-278, 85 Fed. Reg. 64,091 (Oct. 9, 2020), <https://www.govinfo.gov/content/pkg/FR-2020-10-09/pdf/2020-22331.pdf>.

³ Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act), Pub. L. No. 116-105, 133 Stat. 3274, § 8 (2019).

⁴ See *Rules & Regulations Implementing the Tel. Consumer Prot. Act of 1991*, 7 FCC Rcd. 8752, 8770-71 ¶ 34 (1992).

⁵ See, e.g., Letter from Jonathan Thessin, Am. Bankers Ass'n, to Marlene H. Dortch, Sec., Fed. Comm'n Comm'n (Dec. 2, 2020), https://ecfsapi.fcc.gov/file/1203640026855/ABA_Joint_Trades_Ex_Parte_Letter_2020_12_02_fi_nal.pdf (ex parte letter regarding meetings held with Commission staff and representatives of the American Bankers Association, ACA International, American Association of Healthcare Administrative Management, American Financial Services Association, Consumer Bankers

combat illegal and unsolicited automated calls, not informational calls containing important account-related information. Moreover, the Commission is prohibited from imposing on exempted calls a numerical limitation that is not supported by the record. In this proceeding, there is a lack of evidence to support a limitation of a specific number of calls. Instead, the record demonstrates that consumers value receiving calls and text messages for non-telemarketing purposes from medical providers, utility companies, schools, financial institutions, and other institutions with which consumers do business.

The Associations appreciate the Commission's consideration of the views expressed in this letter.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Thessin". The signature is written in a cursive style with a large initial 'J'.

Jonathan Thessin
Vice President/Senior Counsel
Consumer & Regulatory Compliance
Regulatory Compliance and Policy

Association, Credit Union National Association, Mortgage Bankers Association, National Association of Federally-Insured Credit Unions, National Council of Higher Education Resources, National Retail Federation, and Student Loan Servicing Alliance).

APPENDIX

Meeting Attendees

Commissioner Rosenworcel's Office

Travis Litman, Chief of Staff and Senior Legal Advisor

Associations

Jonathan Thessin, American Bankers Association

Leah Dempsey, ACA International

Mark Brennan and Arpan Sura, Hogan Lovells (Counsel for the American Association of
Healthcare Administrative Management)

David Androphy, American Financial Services Association

Stephen Congdon, Consumer Bankers Association

Michael Pryor, Brownstein Hyatt Farber Schreck (Counsel for the Credit Union National
Association)

Blake Chavis, Mortgage Bankers Association

Elizabeth LaBerge, National Association of Federally-Insured Credit Unions

Shelly Repp, National Council of Higher Education Resources

Scott Buchanan, Student Loan Servicing Alliance