

Congress of the United States
Washington, DC 20515

0619

June 19, 2013

Mignon L. Clyburn
Acting Chairwoman, Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairwoman Clyburn:

In line with the mission of the Federal Communications Commission (FCC) to promote jobs, technological innovation, and enhance consumer privacy, we write to request clarification of the applicability of the Telephone Consumer Protection Act (“TCPA”) to predictive dialers. Specifically, we encourage the FCC to expeditiously consider the Communication Innovators (“CI”) Petition for Declaratory Ruling and issue a ruling on the merits.

Congress passed the TCPA more than twenty years ago to protect consumers against unwanted telemarketing calls and to prevent callers from endangering public safety by tying up blocks of telephone lines. Unfortunately, the FCC’s 2003 and 2008 TCPA autodialer decisions have created significant confusion for companies that use predictive dialers to initiate live calls for non-telemarketing purposes, including for a variety of communications that may not have been anticipated by the FCC. This confusion and regulatory uncertainty has resulted in a surge in TCPA class action litigation, with plaintiffs’ attorneys seeking millions of dollars from a wide array of leading, established companies.

The CI Petition for Declaratory Ruling seeks to resolve the existing confusion over the use of predictive dialers for non-telemarketing purposes. It asks the FCC to clarify, consistent with the text of the TCPA and Congressional intent, that predictive dialers which: (1) are not used for telemarketing purposes; and (2) do not have the current ability to generate and dial random or sequential numbers, are not “autodialers” under the TCPA and the FCC’s TCPA rules.

We urge the FCC to expeditiously consider this Petition and promptly issue a ruling on the merits. Thank you in advance for your time and attention to this matter. We look forward to your response.

Sincerely,



Duncan Hunter
Member of Congress



Scott Peters
Member of Congress



Juan Vargas
Member of Congress

cc:
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai