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For Immediate Release**FCC CITES FIRST NATIONAL BANK AND LYFT FOR
TELEMARKETING VIOLATIONS*****First National Bank and Lyft Violated the Telephone Consumer Protection Act by
Requiring Consumers to Agree to Receive Telemarketing Calls***

WASHINGTON, September 11, 2015 – The Federal Communications Commission's Enforcement Bureau today issued citations to F.N.B. Corporation (First National Bank) and Lyft, Inc., putting both companies on notice that they have violated laws and rules enforced by the FCC. Both companies are being cited for violating rules protecting consumers against unwanted autodialed text messages.

First National Bank requires its online banking and Apple Pay customers to agree to receive autodialed telemarketing texts in order to use its services. Lyft purports to allow consumers who sign up for its ride-sharing service to opt out of receiving autodialed or prerecorded telemarketing calls and texts, but does not allow users to access the service if they do exercise their right to opt out of marketing calls and texts. Both of these companies' practices violate the Commission's rules implementing the Telephone Consumer Protection Act.

“Consumers have the right to choose whether they want marketing calls and texts to their cell phones,” said Travis LeBlanc, Chief of the FCC Enforcement Bureau. “Today, we again make clear that such calls and texts are unlawful without express written consumer consent. We urge any company that unlawfully conditions its service on consent to unwanted marketing calls and texts to act swiftly to change its policies.”

The Commission's rules prohibit making autodialed calls/texts and robocalls for the purposes of telemarketing and advertising unless the caller has the prior express written consent of the called party. In addition, to protect consumers from being forced to give consent unwillingly, FCC rules forbid requiring consumers to agree to receive marketing robocalls and autodialed calls/texts as a condition of purchasing any goods, services, or property.

The Enforcement Bureau began investigations into First National Bank and Lyft after becoming aware of the violative provisions in those companies' service agreements. The investigation into First National Bank revealed that the company requires consumers to agree to receive autodialed marketing text messages on their phones in order to use First National Bank's online banking services and to use their bank cards through the Apple Pay mobile banking service. Nothing in either the company's Online Banking Services Agreement or its Apple Pay Terms and Conditions states or suggests that consumers have the option to refuse consent to receive such marketing texts, as required by law.

The investigation into Lyft showed that while its terms of service state that a consumer may opt out of receiving autodialed and/or prerecorded telemarketing texts and calls by using "provided unsubscribe options," the company, does not, in fact, provide unsubscribe options or any information or links that would allow consumers to easily opt out of receiving such calls and texts. If consumers, through navigating the company's website, are able to locate the opt-out page and manage to opt out of such calls and texts, they are not able to use Lyft's services unless they opt back into receiving such calls and texts.

The citations issued today notify First National Bank and Lyft that they have violated the law and the Commission's rules, and warns the companies that if they continue to violate the law, or if they make any telemarketing or advertising calls in violation of the Telephone Consumer Protection Act, the Commission may impose sanctions for each and every violation, including monetary penalties. Under the Communications Act, the Commission is required to issue a citation before proposing a forfeiture to persons or companies like First National Bank and Lyft, who are not licensees, permittees, or authorization holders of the Commission.

To file a complaint with the FCC, go to <https://consumercomplaints.fcc.gov/hc/en-us> or contact the FCC's Consumer Center by calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or by writing to:

Federal Communications Commission
Consumer and Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, SW
Washington, DC 20554

The Lyft citation is available at: https://apps.fcc.gov/edocs_public/attachmatch/DA-15-997A1.pdf

The First National Bank citation is available at: https://apps.fcc.gov/edocs_public/attachmatch/DA-15-996A1.pdf

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).